

SECTION 8 HOUSING CHOICE VOUCHER PROGRAM



ADMINISTRATIVE PLAN



City of Tempe
Development Services Department
Housing Services Division

**CITY OF TEMPE
DEVELOPMENT SERVICES DEPARTMENT
HOUSING DIVISION**

www.tempe.gov

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**Reasonable accommodations for persons with
disabilities may be requested.**



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SECTION 8 ADMINISTRATIVE PLAN

1.0 EQUAL OPPORTUNITY

1.1 FAIR HOUSING

It is the policy of the City of Tempe Housing Services, (THS) to comply fully with all Federal, State, and local nondiscrimination laws; the Americans With Disabilities Act; and the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity.

No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the THS housing programs.

To further its commitment to full compliance with applicable Civil Rights laws, the THS will provide Federal/State/local information to applicants for and participants in the Section 8 Housing Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. All applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the THS office. In addition, all appropriate written information and advertisements will contain the appropriate Equal Opportunity language and logo.

The THS will assist any family that believes they have suffered illegal discrimination by providing them copies of the housing discrimination form and referring them to the City's Fair Housing Coordinator. The Fair Housing Coordinator will assist them in completing the form, if requested, and will provide them with the address of the nearest HUD Office of Fair Housing and Equal Opportunity. The Fair Housing Coordinator will review fair housing complaints and, if applicable, refer them to the appropriate agency; Attorney General's Office and/or the U.S. Department of Housing & Urban Development, Fair Housing Office, for further action if applicable.

1.2 REASONABLE ACCOMMODATION

People with disabilities may need a reasonable accommodation in order to take full advantage of the THS housing programs and related services. When such accommodations are granted they do not confer special treatment or advantage for the person with a disability; rather, they make the program fully accessible to them in a way that would otherwise not be possible due to their disability.

This policy clarifies how people can request accommodations and the guidelines the THS will follow in determining whether it is reasonable to provide a requested accommodation.

Because disabilities are not always apparent, the THS will ensure that all applicants/participants are aware of the opportunity to request reasonable accommodations.

1.3 COMMUNICATION

Applicants who are unable to physically come to the THS office to complete a preliminary application, must submit a written request for a preliminary application through the mail. The written request must state the reasons why the applicant cannot come to the THS office during the regularly scheduled preliminary application time. When a written request is received, the THS will review the request and if the request is granted, a preliminary application will be mailed to the applicant. Reasons for granting the request include reasonable accommodations, medical reasons, out-of-state applicants, conflicting work hours, etc. All decisions granting or denying requests will be determined by the THS in writing.

1.4 QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION

- A. Is the requestor a person with disabilities? For this purpose the definition of disabilities is different than the definition used for admission. The Fair Housing definition used for this purpose is:

A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. (The disability may not be apparent to others, i.e., a heart condition).

If the disability is apparent or already documented, the answer to this question is yes. It is possible that the disability for which the accommodation is being requested is a disability other than the apparent disability. If the disability is not apparent or documented, the THS will obtain verification that the person is a person with a disability.

- B. Is the requested accommodation related to the disability? If it is apparent that the request is related to the apparent or documented disability, the answer to this question is yes. If it is not apparent, the THS will obtain documentation that the requested accommodation is needed due to the disability. The THS will not inquire as to the nature of the disability.
- C. Is the requested accommodation reasonable? In order to be determined reasonable, the accommodation must meet two criteria:

1. Would the accommodation constitute a fundamental alteration? The THS's business is housing. If the request would alter the fundamental business that the THS conducts, that would not be reasonable. For instance, the THA would deny a request to have the THS do grocery shopping for the person with disabilities.
2. Would the requested accommodation create an undue financial hardship or administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, the THS may request a meeting with the individual to investigate and consider equally effective alternatives.

Generally the individual knows best what they need; however, the THS retains the right to be shown how the requested accommodation enables the individual to access or use the THS's programs or services.

If more than one accommodation is equally effective in providing access to the THS' programs and services, the THS retains the right to select the most efficient or economic choice.

If the participant requests, as a reasonable accommodation, that he or she be permitted to make physical modifications to their dwelling unit, at their own expense, the request should be made to the property owner/manager. The City of Tempe Housing Services Division does not have responsibility for the owner's unit and does not have responsibility to make the unit accessible.

Any request for an accommodation that would enable a participant to materially violate family obligations will not be approved.

1.5 SERVICES FOR NON-ENGLISH SPEAKING APPLICANTS AND PARTICIPANTS

The THS will endeavor to have bilingual staff or access to people who speak languages other than English to assist non-English speaking families. The following languages will be covered in the office: Spanish. In addition, the City of Tempe maintains a list of other languages spoken by City staff. If necessary, the THS will contact the applicable staff person for assistance with a non-English, non-Spanish speaking family.

1.6 FAMILY/OWNER OUTREACH

The THS will publicize the availability and nature of the Section 8 Program for extremely low-income, very low and low-income families in a newspaper of general circulation, minority media, and by other suitable means.

To reach persons who cannot or do not read newspapers the THS will distribute fact sheets to community service personnel. The THS will also try to utilize public service announcements.

The THS will communicate the status of program availability to other service providers in the community and advise them of housing eligibility factors and guidelines so that they can make proper referral of their clients to the program.

The THS will hold individual and/or group briefings for owners who participate in or who are seeking information about the Section 8 Program. The briefings will be conducted by the Section 8 staff members. The briefing is intended to:

- A. Explain how the program works;
- B. Explain how the program benefits owners;
- C. Explain owners' responsibilities under the program. Emphasis is placed on quality screening and ways the THS helps owners do better screening; and
- D. Provide an opportunity for owners to ask questions, obtain written materials, and meet THS staff.

Group briefings will also include information on the City's Rental Code, the Crime-Free Program and the Rental Reinvestment Program.

The THS will particularly encourage owners of suitable units located outside of low-income or minority concentration to attend. Targeted mailing lists may be developed to mail information on Section 8 Program participation. In addition, information will be provided in the City water bills and on the local cable channel. In addition, the City's Rental Reinvestment Program will provide incentives to owners of rental properties located outside of concentrated areas to participate in the Section 8 program. A map with areas of high concentrations of low-income and minority designated, updated from current census data, will be provided to owners, applicants and participants.

1.7 RIGHT TO PRIVACY

All adult members of both applicant and participant households are required to sign HUD Form 9886, *Authorization for Release of Information and Privacy Act Notice*. This Notice states how family information will be released and includes the *Federal Privacy Act Statement*. In addition, applicants and participant households will be required to sign the City of Tempe Information Release form.

Any request for applicant or participant information will not be released unless there is a signed release of information request from the applicant or participant.

1.8 REQUIRED POSTINGS

The City of Tempe Housing Services will post, in its office, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

- A. The Section 8 Administrative Plan
- B. Notice of the status of the waiting list (opened or closed)
- C. Address of the THS office, telephone numbers, TDD numbers, and hours of operation
- D. Income Limits for Admission
- E. Informal Review and Informal Hearing Procedures
- F. Fair Housing Poster
- G. Equal Opportunity in Employment Poster

2.0 THS & OWNER RESPONSIBILITIES; OBLIGATIONS OF THE FAMILY

This Section outlines the responsibilities and obligations of the THS, the Section 8 Owners/Landlords, and the participating families.

2.1 THS RESPONSIBILITIES

- A. The THS will comply with the Consolidated Annual Contributions Contract, HUD regulations, the Annual Plan, this Administrative Plan and other applicable requirements.
- B. In administering the program, the THS must:
 - 1. Publish and disseminate information about the availability and nature of housing assistance under the program;
 - 2. Explain the program to owners and families;
 - 3. Seek expanded opportunities for assisted families to locate housing outside areas of poverty or racial concentration;

4. Encourage owners to make units available for leasing in the program, including owners of suitable units located outside areas of poverty or racial concentration;
5. Affirmatively further fair housing goals and comply with equal opportunity requirements;
6. Make efforts to help people with disabilities find satisfactory housing;
7. Receive applications from families, determine eligibility, maintain the waiting list, select applicants, issue a voucher to each selected family, and provide housing information to families selected;
8. Determine who can live in the assisted unit at admission and during the family's participation in the program;
9. Obtain and verify evidence of citizenship and eligible immigration status in accordance with 24 CFR part 5;
10. Review the family's request for tenancy approval and the owner/landlord lease, including any applicable HUD prescribed tenancy addendum.
11. Inspect the unit before the assisted occupancy begins and at least annually during the assisted tenancy;
12. Determine the amount of the housing assistance payment for a family;
13. Determine the maximum rent to the owner and whether the rent is reasonable;
14. Make timely housing assistance payments to an owner in accordance with the HAP contract;
15. Examine family income, size and composition at admission and during the family's participation in the program. The examination includes verification of income and other family information;
16. Establish and adjust the THS utility allowance;
17. Administer and enforce the housing assistance payments contract and any applicable HUD prescribed tenancy addendum with an owner, including taking appropriate action as determined by the THS, if the owner defaults (e.g., HQS violation);

18. Determine whether to terminate assistance to a participant family for violation of family obligations;
19. Conduct informal reviews of certain THS decisions concerning applicants for participation in the program;
20. Conduct informal hearings on certain THS decisions concerning participant families;
21. Provide sound financial management of the program, including engaging an independent public accountant to conduct audits; and
22. Administer a Family Self-Sufficiency program.

2.2 OWNER RESPONSIBILITIES

- A. The owner is responsible for performing all of the owner's obligations under the HAP contract and the lease.
- B. The owner is responsible for:
 1. Performing all management and rental functions for the assisted unit, including selecting a voucher holder to lease the unit, and deciding if the family is suitable for tenancy of the unit.
 2. Maintaining the unit in accordance with HQS, including performance of ordinary and extraordinary maintenance.
 3. Complying with equal opportunity requirements.
 4. Preparing and furnishing to the THS information required under the HAP contract.
 5. Collecting from the family:
 - a. Any security deposit required under the lease.
 - b. The tenant contribution (the part of rent to owner not covered by the housing assistance payment).
 - c. Any charges for unit damage by the family.
 6. Enforcing tenant obligations under the lease and providing the THS with copies of any tenant related enforcement documentation.
 7. Paying for utilities and services (unless paid by the family under the lease).

- C. For provisions on modifications to a dwelling unit occupied or to be occupied by a person with disabilities see 24 CFR 100.203.
- D. The owner is responsible for notifying the THS and the family in writing sixty (60) days prior to any rent increase.

2.3 OBLIGATIONS OF THE PARTICIPANT

This Section states the obligations of a participant family under the program.

- A. Supplying required information
 - 1. The family must supply any information that the THS or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status. Information includes any requested certification, release or other documentation.
 - 2. The family must supply any information requested by the THS or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.
 - 3. The family must disclose and verify Social Security Numbers and must sign and submit consent forms for obtaining information.
 - 4. Any information supplied by the family must be true and complete.
 - 5. The family must notify the City of Tempe Housing Services of any change in household income or assets, in writing, within 10 calendar days of the occurrence.
- B. HQS breach caused by the Family
The family is responsible for any HQS breach caused by the family or its guests.
- C. Allowing THS Inspection
The family must allow the THS to inspect the unit at reasonable times and after at least 2 days notice.
- D. Violation of Lease
The family may not commit any serious or repeated violation of the lease.
- E. Family Notice of Move or Lease Termination
The family must notify the THS and the owner, in writing, at least 30 days, but not more than 60 days, before the family moves out of the unit or terminates the lease by a notice to the owner.

F. Owner Eviction Notice

The family must promptly give the THS a copy of any owner eviction notice it receives.

G. Use and Occupancy of the Unit

1. The family must use the assisted unit for a residence by the family. The unit must be the family's only residence.
2. The THS must approve the composition of the assisted family residing in the unit. The family must promptly inform the THS of the birth, adoption or court-awarded custody of a child. The family must request approval from the THS to add any other family member as an occupant of the unit. No other person (i.e., no one but members of the assisted family) may reside in the unit (except for a foster child/foster adult or live-in aide as provided in paragraph (4) of this Section).
3. The family must promptly notify the City of Tempe Housing Services, in writing, if any family member no longer resides in the unit.
4. If the THS has given approval, a foster child/foster adult or a live-in aide may reside in the unit. The THS has the discretion to adopt reasonable policies concerning residence by a foster child/foster adult or a live-in aide and defining when the THS consent may be given or denied.
5. Members of the household may engage in legal profit making activities in the unit, but only if such activities are incidental to primary use of the unit for residence by members of the family. Any business uses of the unit must comply with zoning requirements and the affected household member must obtain all appropriate licenses.
6. The family must not sublease or let the unit.
7. The family must not assign the lease or transfer the unit.
8. The family may have visitors/guest in the assisted unit for up to two weeks. If the landlord's policy for visitors/guests allows for less than a two-week stay, the landlord's policy shall prevail.

H. Absence from the Unit

The family must supply any information or certification requested by the THS to verify that the family is living in the unit, or relating to family absence from the unit, including any THS requested information or certification on the purposes of family absences.

The family must cooperate with the THS for this purpose. The family must promptly notify the THS of its absence from the unit.

Absence means that no member of the family is residing in the unit. The family may be absent from the unit for up to 30 days. The family must request permission, in writing, from the THS for absences exceeding 30 days. The THS will make a determination within 5 business days of the request. An authorized absence may not exceed 180 days. Any family absent for more than 30 days without authorization will be terminated from the program.

Authorized absences may include, but are not limited to:

1. Prolonged hospitalization
 2. Absences beyond the control of the family (i.e., death in the family, other family member illness)
 3. Other absences that are deemed necessary by the THS
- I. Interest in the Unit
The family may not own or have any interest in the unit (except for owners of manufactured housing renting the manufactured home space).
- J. Fraud and Other Program Violation
The members of the family must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program.
- K. Crime by Family Members
The members of the family may not engage in drug-related criminal activity or other violent criminal activity.
- L. Other Housing Assistance
An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) Federal, State or local housing assistance program.

3.0 ELIGIBILITY FOR ADMISSION

3.1 INTRODUCTION

There are five eligibility requirements for admission to Section 8 -- qualifies as a family, has an income within the income limits, meets citizenship/eligible immigrant criteria, provides documentation of Social Security Numbers, and signs consent authorization documents. In addition to the eligibility criteria, families must also meet the Tempe Housing Services screening criteria in order to be admitted to the Section 8 Program.

3.2 **ELIGIBILITY CRITERIA**

A. Family status.

1. A **family with or without children**. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that lives together in a stable family relationship which has existed for at least two years.
 - a. Children temporarily absent from the home due to placement in foster care are considered family members.
 - b. Unborn children and children in the process of being adopted are considered family members for purposes of determining bedroom size, but are not considered family members for determining income limit.
2. An **elderly family**, which is:
 - a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
 - b. Two or more persons who are at least 62 years of age living together; or
 - c. One or more persons who are at least 62 years of age living with one or more live-in aides.
3. A **disabled family**, which is:
 - a. A family whose head, spouse, or sole member is a person with disabilities;
 - b. Two or more persons with disabilities living together; or
 - c. One or more persons with disabilities living with one or more live-in aides.
4. A **displaced family** is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
5. A **remaining member of a tenant family**.
6. A **single person** who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

7. A second household, consisting of family members who may qualify as a household of their own, will not be permitted to be added to the assisted household. Note: The THS will review and consider special circumstances that may allow additional family members to be added to a household.

B. Income eligibility

1. To be eligible to receive assistance a family shall, at the time the family initially receives assistance under the Section 8 program, be a family that is:
 - a. An extremely low-income or a very low-income family;
 - b. A low-income family continuously assisted under the 1937 Housing Act;
 - c. A low-income family that meets additional eligibility criteria specified by the Housing Services;
 - d. A low-income family or moderate-income family that is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing;
2. Income limits apply only at admission and are not applicable for continued occupancy; however, as income rises the assistance will decrease.
3. The applicable income limit for issuance of a voucher is the highest income limit for the family size for areas within the housing authority's jurisdiction. The applicable income limit for admission to the program is the income limit for the area in which the family is initially assisted in the program. The family may only use the voucher to rent a unit in an area where the family is income eligible at admission to the program.
4. Families who are moving into the THS's jurisdiction under portability and have the status of applicant rather than of participant at their initial housing authority must meet the income limit for the area where they were initially assisted under the program.
5. Families who are moving into the THS's jurisdiction under portability and are already program participants at their initial housing authority do not have to meet the income eligibility requirement for the THS program.
6. Income limit restrictions do not apply to families transferring units within the THS Section 8 Program.

C. Citizenship/Eligible Immigrant status

To be eligible each member of the family must be a citizen, national, or a noncitizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)) or a citizen of the Republic of Marshall Islands, the Federated States of Micronesia, or the Republic of Palau. However, people in the last category are not entitled to housing assistance in preference to any United States citizen or national resident within Guam.

Family eligibility for assistance:

1. A family shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.
2. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance (See Section 11.5(F) for calculating rents under the noncitizen rule).
3. A family without any eligible members and receiving assistance on June 19, 1995, may be eligible for temporary deferral of termination of assistance.

D. Social Security Number Documentation

To be eligible, all family members 6 years of age and older must provide a Social Security Number or certify that they do not have one.

E. Signing Consent Forms

1. In order to be eligible each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.
2. The consent form must contain, at a minimum, the following:
 - a. A provision authorizing HUD and the THS to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy;
 - b. A provision authorizing HUD or the THS to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance;

- c. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits; and
- d. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

E. Suitability for tenancy

The THS determines eligibility for participation and will also conduct criminal background checks on all adult household members, including live-in aides. The THS will deny assistance to a family because of drug-related criminal activity or violent criminal activity by family members. This check will be made through state or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. If the individual has lived outside the local area, the THS may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC).

The THS will check with the State sex offender registration program and will ban for life any individual who is registered as a lifetime sex offender.

The THS will also check state and national Housing Authority databases to screen applicant families for debts owed to other Housing Agencies and for family obligation violations and/or evictions due to drug or criminal activities.

Additional screening is the responsibility of the owner. Upon the written request of a prospective owner, the THS will provide any factual information or third party written information they have relevant to a voucher holder's history of, or ability to, comply with material standard lease terms or any history of drug trafficking.

3.3 *Screening of Applicants on Criminal Activity*

- A. Federal Regulations require that a Housing Agency establish standards for Section 8 programs that prohibit and deny admission to, and termination of assistance for any person because of drug-related criminal activity, alcohol-related or violent criminal activity. HUD regulations also prohibit admission to Section 8 programs if a person has been evicted from public housing, Indian housing, Section 23, or any Section 8 program because of criminal activity including drug or alcohol-related criminal activity. Any individual who is registered as a lifetime sex offender will be banned for life.

- B. All Section 8 program applicants, head of household, spouse and/or co-head, regardless of age, all adult family members, 18 years of age and older, and live-in aides, will be screened for criminal history/background before they receive program assistance. The THS will partner with the City of Tempe Police Department to screen applicants for participation in the Section 8 Housing Voucher Program.
1. Screening report requests will be sent to the Tempe Police Department for initial screening.
 2. If the screening report returns with no matching information, the applicant will be notified, in writing, that there is no confirmation on the record.
 3. If the screening report returns with a confirmation of possible matching information, the applicant will be notified, in writing, that a fingerprint card is required to verify the existence or nonexistence of a criminal record.
 4. All criminal reports and finger print cards received by the HA will be kept confidential and will be maintained in a separate and secure file.
 5. Finger print cards received by the HA will be kept confidential and will be maintained in a secure locked file.
 6. If an applicant is denied assistance due to criminal activity, the applicant will have an opportunity to dispute the accuracy and relevance of the criminal record prior to the denial of admission.

3.4 RECORD MAINTENANCE

- A. Listed below are the guidelines to be followed for maintaining these records.
1. All criminal history/background information and completed fingerprint cards will be kept in a separate file other than the applicants working file. All finger print cards will be kept locked and secured in the office of the Housing Services Supervisor in charge of the screening process.
 2. The only employees authorized to access these locked files are the assigned Housing Specialist, the Housing Services Supervisor, the Housing Services Director, and the Development Services Manager.
 3. If an applicant is determined to be ineligible, the criminal history/background information will be maintained for a period of five years. These files will be checked when people apply to ensure that the same people are not reapplying and being considered before the mandatory five-year waiting period has expired. After the five-year retention period has lapsed, the files are to be incorporated into the Housing Services file retention schedule.

4. If an applicant is approved for housing, the criminal history/background information and fingerprint cards will be kept in a file as described in item number 1 (above). The criminal history background information will not be removed from the file until the resident leaves the program. These files will then be included in the vacated tenant file and will be incorporated into the Housing Services file destruction process.

3.5 TIME FRAMES FOR DENIAL ON DRUG AND/OR CRIMINAL ACTIVITY

- A. The following time frames will be used for drug and/or criminal activity denials of assistance.
 1. On all arrests including and involving drug-related criminal activity of controlled substances, five (5) years from the date of sentencing or end of prison term, whichever is later.
 2. Violent criminal activity, five years from the date of sentencing or end of prison term.
 3. Denial of admission of applicant for (5) five years if any household member was evicted from federally assisted housing for drug-related criminal activity. The five years begins on the date of eviction.
 4. Currently engaged in criminal activity, which may threaten the health, safety or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity.
 5. Lifetime on all members who are subject to lifetime registration as a sex offender under State registration program.

3.6 ELIGIBILITY AFTER DRUG/CRIMINAL ACTIVITY

- A. Applicants who have satisfactorily met the following conditions may be eligible for participating in the Housing Choice Voucher Program.
 1. Those applicants who have been convicted for possession or sale of illegal, controlled substances and a) have served their time and/or b) are satisfactorily participating in probation must demonstrate a five year period* without any felony convictions.
 2. An applicant with a conviction for violent criminal activity must demonstrate a five year period* without any felony convictions.
 3. An applicant with a sex crime conviction must demonstrate a five year period* without any felony convictions.
 4. An applicant with violent criminal activity or controlled substance/drug charge arrest but research indicates no charge was filed, will be considered eligible.
 5. An applicant with violent criminal activity or controlled drug substance charge arrest and their court date is pending, will be denied.

6. An applicant who has been convicted of drug and/or violent criminal activity in the last five years and has served their time, and/or successfully completed an approved supervised rehabilitation program and paid any applicable fine may be considered eligible.

*Period is from the date of sentencing or end of prison term, whichever is later.

3.7 DEFINITIONS

- A. The following definitions will be used for drug/criminal activity provisions of the Housing Assistance Program.
 1. Applicant: A family member that has applied for admission to the Section 8 program but has not yet been admitted to the program.
 2. Drug: a controlled substance as defined in section 102 of the Controlled Substance Act (21 U.S.C. 802)
 3. Drug-related criminal activity: the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.
 4. Household: the family and approved PHA live in aide.
 5. Currently engaged in: (For purposes of criminal activity) if the person has engaged in the behavior recently enough to justify reasonable belief that the behavior is current.
 6. Violent Criminal Activity: any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

4.0 MANAGING THE WAITING LIST

4.1 OPENING AND CLOSING THE WAITING LIST

Opening of the waiting list will be announced via public notice that preliminary applications for Section 8 will again be accepted. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation, and also by any available minority media. The public notice will state any limitations to who may apply.

Closing of the waiting list will be announced via public notice. The public notice will state the date the waiting list will be closed. The public notice will be published in a local newspaper of general circulation, and also by any available minority media.

4.2 TAKING PRE-APPLICATIONS

Families wishing to apply for the Section 8 Program will be required to complete a preliminary application for housing assistance. Preliminary applications will be accepted on Fridays, between 7:00 a.m. and 11:00 a.m. at the THS office or other specifically designated, and publicly advertised, locations.

Preliminary applications are taken to compile a waiting list. Due to the demand for Section 8 assistance in the THS's jurisdiction, the THS may take preliminary applications on an open enrollment basis, depending on the length of the waiting list.

When the waiting list is open, completed preliminary applications will be accepted from all applicants. The THS will later verify the information in the applications relevant to the applicant's eligibility, admission, and level of benefit.

Preliminary applications will be mailed to interested families who are unable to come to the THS office due to age, disability, their geographic distance or other special circumstances. Interested families must submit their request in writing.

In the case of a client who claims age, illness, disability or special circumstance which would prevent them from coming to the office to complete a preliminary application, the THS will make the appropriate reasonable accommodation or referral, i.e. transportation service, social service agency, etc. If a referral is not feasible, approval to conduct business through a third party, legal conservator or any other person with legal power of attorney for the applicant, because of extenuating circumstances must be fully documented and approved by the THS.

For mail in preliminary applications, the completed preliminary application will be dated and time stamped upon its return to the THS.

Persons with disabilities who require a reasonable accommodation in completing a preliminary application may call the THS to make special arrangements to complete their preliminary application. A Telecommunication Device for the Deaf (TDD) is available for the deaf. The TDD telephone number is 480/350-8913.

The application process will involve two phases. The first phase is the initial application for housing assistance or the preliminary application. The preliminary application requires the family to provide limited basic information including name, address, phone number, family composition and family unit size, racial or ethnic designation of the head of household, income category, and information establishing any preferences to which they may be entitled. This first phase results in the family's placement on the waiting list.

Upon receipt of the family's preliminary application, the THS will make a preliminary determination of eligibility. The THS will notify the family in writing of the date and placement on the waiting list and the estimated amount of time before housing assistance may be offered.

If the THS determines the family to be ineligible, the notice will state the reasons therefore and offer the family the opportunity of an informal review of this determination.

An applicant may at any time report changes in their applicant status including changes in family composition, income, or preference factors. The THS will annotate the applicant's file and will update their place on the waiting list. Confirmation of the changes will be confirmed with the family in writing.

The second phase is the final determination of eligibility, referred to as the full application. The full application takes place when the family nears the top of the waiting list. The THS will ensure that verification of all preferences, eligibility and suitability selection factors are current in order to determine the family's final eligibility for admission into the Section 8 Program.

4.3 ORGANIZATION OF THE WAITING LIST

The waiting list will be maintained in accordance with the following guidelines:

- A. The preliminary application will be a permanent file;
- B. All preliminary applications will be maintained in order of preference and then in order of date and time of application;
- C. Any contact between the THS and the applicant will be documented in the applicant file.

4.4 FAMILIES NEARING THE TOP OF THE WAITING LIST

When a family appears to be within 2 months of being offered assistance, the family will be invited to an interview and the verification process will begin. The family will complete a full application, present Social Security Number information, citizenship/eligible immigrant information, and sign the Consent for Release of Information forms. It is at this point in time that the family's waiting list preference will be verified. If the family no longer qualifies to be near the top of the list, the family's name will be returned to the appropriate spot on the waiting list. The THS must notify the family in writing of this determination.

4.5 MISSED APPOINTMENTS

All applicants who fail to keep a scheduled appointment in accordance with the paragraph below will be sent a notice of denial.

The THS will allow the family to reschedule appointments for good cause. 'Good cause' will be determined by the THS on a case-by-case basis.

Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities for good cause. When a good cause exists, the THS will work closely with the family to find a more suitable time. Applicants will be offered the right to an informal review before being removed from the waiting list.

4.6 PURGING THE WAITING LIST

The THS will update and purge its waiting list at least annually to ensure that the pool of applicants reasonably represents interested families. Purging also enables the Housing Services to update the information regarding address, family composition, income category and preferences.

4.7 REMOVAL OF APPLICANTS FROM THE WAITING LIST

The THS will not remove an applicant's name from the waiting list unless:

- A. The applicant requests that the name be removed;
- B. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program or misses scheduled appointments;
or
- C. The applicant does not meet either the eligibility or screening criteria for the program.

Note: The THS will not be responsible for mail delivery problems.

4.8 GROUNDS FOR DENIAL

The THS will deny assistance to applicants whom:

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process within the required deadline;

- C. Fail to respond to a written request for information or a request to declare their continued interest in the program within the required deadline;
- D. Fail to complete any aspect of the application or lease-up process;
- E. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property, and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff, or cause damage to the property;
- F. Currently owe rent or other amounts to any housing authority in connection with the public housing or Section 8 Programs;
- G. Have committed fraud, bribery, or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived therefrom;
- H. Have a family member who was evicted from federally assisted housing within the last five (5) years;
- I. Have a family member who was evicted from assisted housing within five years of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;
- J. Have a family member who is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The THS may waive this requirement if:
 - 1. The person demonstrates to the THS's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
 - 2. The person has successfully completed a supervised drug or alcohol rehabilitation program;
 - 3. The person has otherwise been rehabilitated successfully; or
 - 4. The person is participating in a supervised drug or alcohol rehabilitation program.
- K. Have engaged in or threatened abusive or violent behavior towards any THS staff member or resident (denied for life);
- L. Have a family household member who has been terminated under either the Voucher or Certificate Program during the last five years;

Applicants, who as previous applicants or participants on the THS's program, were terminated by the THS for program abuse, willfully withholding information and/or family obligation violations under CFR §982.551, may remain on the waiting list until the THS notifies them that they are to begin the verification process for admission/certification to the program. If it has not been five years from the previous termination date, the applicant will be denied admission to the program and removed from the waiting list.

- M. Have a family member who has been convicted of manufacturing or producing methamphetamine. (Denied for life);
- N. Have a family member with a lifetime registration under a State sex offender registration program (Denied for life);
- O. Are a welfare-to-work (WTW) family who fails to fulfill its obligations under the welfare-to-work voucher program.

4.9 NOTIFICATION OF NEGATIVE ACTIONS

Any applicant whose name is being removed from the waiting list will be notified by the THS, in writing, that they have ten (10) calendar days, from the date of the written correspondence, to present mitigating circumstances or request an Informal Review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified. The THS's system of removing applicants' names from the waiting list will not violate the rights of persons with disabilities. If an applicant's failure to respond to a request for information or updates was caused by the applicant's disability, the THS will provide a reasonable accommodation. If the applicant indicates that they did not respond due to a disability, the THS will verify that there is in fact a disability and that the accommodation they are requesting is necessary based on the disability. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

4.10 INFORMAL REVIEW

If the THS determines that an applicant does not meet the criteria for receiving Section 8 assistance, the THS will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision, and state that the applicant may request an informal review of the decision within 10 calendar days of the denial. The THS will describe how to obtain the informal review. The informal review process is described in Section 16.2 of this Plan.

5.0 SELECTING FAMILIES FROM THE WAITING LIST

5.1 WAITING LIST ADMISSIONS AND SPECIAL ADMISSIONS

The Housing Services may admit an applicant for participation in the program either as a special admission or as a waiting list admission.

If HUD awards funding that is targeted for families with specific characteristics or families living in specific units, the THS will use the assistance for those families.

5.2 PREFERENCES

Consistent with the THS Agency Plan, the THS will select families based on the following preferences.

A. Applicants who live in the City of Tempe.

Applicant must have a current lease, be listed on a current lease as legally living in the unit and/or must be legally responsible for rent payments to the owner/landlord of the property. This will be verified with the legal owner/landlord of the property.

Homeless applicants will have residency verified with the City of Tempe Police Department or a social service agency that applicant is receiving services from.

B. Applicants, where the head, co-head, or spouse is employed, or have been hired to work, in the City of Tempe.

Applicant, , must be physically employed in, or has been offered employment in, the City limits of Tempe.

C. All other applicants who do not meet the definitions in the other preference categories.

The THS will not deny a local preference, nor otherwise exclude or penalize a family in admission to the program, solely because the family resides in public housing.

5.3 SELECTION FROM THE WAITING LIST

Families will be selected from the waiting list based on the number of preference points claimed. The following is the preference point system:

Maximum points possible: 100

Applicant (head, co-head, or spouse) must meet the following category:

~living, working, or have been offered employment , in the City of Tempe 100

Maximum points possible: 0

Applicant (head, co-head, or spouse) does not meet the above category

0

The date and time of application will be utilized to determine the sequence within the above-prescribed preferences.

Notwithstanding the above, families who are elderly or disabled, will be offered housing before other single, non-elderly, non-disabled families.

Notwithstanding the above, if necessary to meet the statutory requirement that 75% of newly admitted families in any fiscal year be families who are extremely low-income (unless a different target is agreed to by HUD), the THS retains the right to bypass higher income families on the waiting list to reach extremely low-income families. This measure will only be taken if it appears the goal will not otherwise be met. To ensure this goal is met, the THS will monitor incomes of newly admitted families and the income of the families on the waiting list.

If there are not enough extremely low-income families on the waiting list, the THS will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

6.0 ASSIGNMENT OF BEDROOM SIZES (SUBSIDY STANDARDS)

The THS will issue a voucher for a particular bedroom size – the bedroom size is a factor in determining the family’s level of assistance. The following guidelines will determine each family’s unit size without overcrowding or over-housing:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons. Two adults will share a bedroom unless related by blood.

In determining bedroom size, the THS will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children who are temporarily away at school, or temporarily in foster-care, or have a minimum of 50% joint custody.

Bedroom size will also be determined using the following guidelines:

- A. Children of the same sex will share a bedroom.
- B. Children of the opposite sex, both under the age of 3 may share a bedroom.
- C. A single parent with one child, under the age of 3 years, or a single person who is pregnant, or is in the process of securing legal custody of one or more individual(s) who has/have not attained the age of 18 years of age, is only eligible to apply for a one bedroom unit.
- D. A single parent with one child over the age of 3 years is eligible to apply for a two bedroom unit.
- E. Temporarily absent children in foster care will be counted as a member of the assisted family for admission criteria and unit size determination.
- F. A family consisting of a single parent and three or more children; the youngest child under the age of 3 may occupy a bedroom with the parent.
- G. Live-in aides will receive a separate bedroom.

The criteria and standards prescribed for the determination of the family's unit size should apply to the vast majority of families. However, in some cases, the relationship, age, sex, health or disability of the family members may warrant the assignment of a larger or smaller unit. Such flexibility is permissible to the extent that determinations are made on the basis of these factors. Written approval of such cases will be documented and approved by the THS.

The family unit size will be determined by the THS in accordance with the above guidelines and will determine the maximum rent subsidy for the family; however, the family may select a unit that may be larger or smaller than the family unit size. If the family selects a smaller unit, the payment standard for the smaller size will be used to calculate the subsidy. If the family selects a larger size, the payment standard for the family unit size will determine the maximum subsidy.

6.1 BRIEFING

When the THS selects a family from the waiting list, the family will be invited to attend a briefing explaining how the program works. In order to receive a voucher the family is required to attend the briefing. If they cannot attend the originally scheduled briefing, they may attend a later session. If the family fails to attend two briefings without good cause, they will be denied admission.

If an applicant with a disability requires auxiliary aids to gain full benefit from the briefing, the THS will furnish such aids where doing so would not result in a fundamental alteration of the nature of the program or in an undue financial or administrative burden. In determining the most suitable auxiliary aid, the THS will give primary consideration to the requests of the applicant. Families unable to attend a briefing due to a disability may request a reasonable accommodation such as having the briefing presented at an alternate location.

The briefing will cover at least the following subjects:

- A. A description of how the program works;
- B. Family and owner responsibilities;
- C. Where the family may rent a unit, including inside and outside the THS's jurisdiction;
- D. Types of eligible housing;
- E. For families qualified to lease a unit outside the THS's jurisdiction under portability, an explanation of portability;
- F. An explanation of the advantages of living in an area that does not have a high concentration of low income families; and
- G. An explanation that the family share of rent may not exceed 40% of the family's monthly adjusted income if the gross rent exceeds the applicable payment standard.

6.2 PACKET

During the briefing, the THS will give the family a packet covering at least the following subjects:

- A. The term of the voucher and the THS's policy on extensions and suspensions of the term.

The packet will include information on how to request an extension and forms for requesting extensions;

- B. How the THS determines the housing assistance payment and total tenant payment for the family;
- C. Information on the payment standard, exception payment standard rent areas, and the utility allowance schedule;
- D. How the THS determines the maximum rent for an assisted unit;
- E. Where the family may lease a unit. For families qualified to lease outside the THS's jurisdiction, the packet includes an explanation of portability;
- F. The HUD-required tenancy addendum that provides the language that must be included in any assisted lease, and a sample contract;
- G. The request for tenancy approval form and an explanation of how to request the THS approval of a unit;
- H. A statement of the THS's policy on providing information to prospective owners. This policy requires applicants to sign disclosure statements allowing the THS to provide prospective owners with the family's current and prior addresses and the names and addresses of the landlords for those addresses.

Upon request, the THS will also supply any factual information or third party verification relating to the applicant's history as a tenant or their ability to comply with material standard lease terms or any history of drug trafficking, drug-related criminal activity or any violent criminal activity;

- I. The THS's subsidy standards, including when the THS will consider granting exceptions to the standards;
- J. The HUD brochure on how to select a unit ("A Good Place to Live");
- K. The HUD-required lead-based paint brochure;
- L. Information on Federal, State, and local equal opportunity laws; the brochure "Fair Housing: It's Your Right;" and a copy of the housing discrimination complaint form;
- M. A list of landlords or other parties known to the THS who may be willing to lease a unit to the family or help the family find a unit;

- N. Notice that if the family includes a person with disabilities, the family may request a current list of accessible units known to the THS that may be available;
- O. The family's obligations under the program;
- P. The grounds upon which the THS may terminate assistance because of the family's action or inaction;
- Q. The THS informal hearing procedures, including when the THS is required to provide the opportunity for an informal hearing, and information on how to request a hearing; and
- R. The THS Housing Choice Voucher brochure. This brochure can be given by the applicant to a prospective owner to help explain the program.
- S. A map indicating areas of high concentrations of low-income, minority residents within the City of Tempe.

6.3 *ISSUANCE OF VOUCHER; REQUEST FOR APPROVAL OF TENANCY*

Beginning October 1, 1999, the THS will issue only Housing Choice Vouchers. Treatment of previously issued certificates and vouchers will be dealt with as outlined in Section 22.0 Transition to the New Housing Choice Voucher Program.

Once all family information has been verified, their eligibility determined, their subsidy calculated, and they have attended the family briefing, the THS will issue the voucher. At this point the family begins their search for a unit.

When the family finds a unit that the owner is willing to lease under the program, the family and the owner will complete and sign a the HUD required Request for Tenancy Approval (HUD-52517), with the THS Supplement, and the proposed lease between the owner and tenant. The family will submit the Request for Tenancy Approval and the proposed lease to the THS during the term of the voucher. The THS will review the Request for Tenancy Approval and the lease and make an initial determination of approval of tenancy.

The THS may assist the family in negotiating changes that may be required for the tenancy to be approved. Once it appears the tenancy may be approved, the THS will schedule an appointment to inspect the unit within 15 days after the receipt of inspection request from the family and owner. The 15 day period is suspended during any period the unit is unavailable for inspection. The THS will promptly notify the owner and the family whether the unit and tenancy are approved.

During the initial stage of qualifying the unit, the THS will provide the prospective owner with information regarding the program. Information will include THS and owner responsibilities for screening and other essential program elements. If requested by the landlord, the THS will provide the owner with the family's current and prior address as shown in the THS records along with the name and address (if known) of the landlords for those addresses.

Additional screening is the responsibility of the owner. Upon request by a prospective owner, the THS will provide any factual information or third party written information they have relevant to a voucher holder's history of, or ability to, comply with standard material lease terms.

6.4 *TERM OF THE VOUCHER*

The initial term of the voucher will be 90 days and will be stated on the Housing Choice Voucher. The THS may grant one or more extensions of the term, but the initial term plus any extensions will not exceed 120 calendar days from the initial date of issuance without an extraordinary reason.

To obtain an extension, the family must make a request in writing prior to the expiration date. A Rental Visits Log documenting the efforts the family has made to find a unit must accompany the request. A Rental Visits Log form for recording their search efforts will be included in the family's briefing packet. If the family documents their efforts and additional time can reasonably be expected to result in success, the Housing Authority will grant the length of request sought by the family or 30 days, whichever is less.

If the family includes a person with disabilities and the family requires an extension due to the disability, the THS will grant an extension allowing the family the full 120 days search time. If the THS determines that additional search time would be a reasonable accommodation, the THS will request HUD to approve an additional extension.

Upon submittal of a completed Request for Tenancy Approval, the THS will suspend the term of the voucher. The term will be in suspension until the date the THS provides notice that the request has been approved or denied.

This policy allows families 60 days, or more with extensions, to find a unit, not penalizing them for the period during which the THS is taking action on their request.

6.5 *APPROVAL TO LEASE A UNIT*

The THS will approve a lease if all of the following conditions are met:

- A. The unit is eligible;
- B. The unit is inspected by the THS and passes HQS;

- C. The lease is approvable and includes the following:
 - 1. The names of the owner and the tenant;
 - 2. The address of the unit rented;
 - 3. The term of the lease (initial term and any provisions for renewal);
 - 4. The amount of the monthly rent to owner;
 - 5. A specification of what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family;
 - 6. The required HUD Tenancy Addendum
- D. The rent to owner is reasonable;
- E. The family's share of rent does not exceed 40% of their monthly adjusted income if the gross rent exceeds the applicable payment standard;
- F. The owner has not been found to be debarred, suspended, or subject to a limited denial of participation by HUD or the THS; and
- G. The family continues to meet all eligibility and screening criteria.

If tenancy approval is denied, the THS will advise the owner and the family, in writing, of the denial and any actions they could take that would enable the THS to approve the tenancy.

The lease term may begin only after all of the following conditions are met:

- The unit passes an HQS inspection;
- The family's share of rent does not exceed 40% of their monthly adjusted income if the gross rent exceeds the applicable payment standard;
- The landlord and tenant sign the lease, including the HUD required Tenancy Addendum;
- The THS approves the leasing of the unit.

The THS will prepare the Housing Assistance Payments (HAP) Contract (HUD-52641) which includes HUD required Tenancy Addendum when the unit is approved for tenancy. Generally, the landlord, simultaneously with the signing of the lease will execute the contract. Upon receipt of the executed lease and the signed contract by the landlord, the THS will execute the contract. The THS will not pay any housing assistance to the owner until the contract is executed.

In no case will the contract be executed later than 60 days after the beginning of the lease term.

Any contract executed after the 60-day period will be void and the THS will not pay housing assistance to the owner.

6.6 THS DISAPPROVAL OF OWNER

The THS will deny participation by an owner at the direction of HUD. The THS will also deny the owner's participation for any of the following reasons:

- A. The owner has violated any obligations under a Section 8 Housing Assistance Payments Contract;
- B. The owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;
- C. The owner has engaged in drug-related criminal activity or any violent criminal activity;
- D. The owner has a history or practice of non-compliance with HQS for units leased under Section 8 or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other Federal housing program;
- E. The owner has a history or practice of renting units that fail to meet State or local codes;
- F. The owner has not paid State or local real estate taxes, fines, or assessments;
- G. The owner has not registered with the County Assessor's office as the owner of residential rental property; A.R.S. §33-1901 and §33-1902.
- H. The owner refuses (or has a history of refusing) to evict families for drug-related or violent criminal activity, or for activity that threatens the health, safety or right of peaceful enjoyment of the:
 - 1. premises by tenants, THS employees or owner employees; or
 - 2. residences by neighbors;
- I. If the owner is the parent, child, grandparent, grandchild, sister, or brother or any member of the family of an applicant seeking the initial use of a voucher unless the THS determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities; or
- J. Other conflicts of interest under Federal, State, or local law.
- K. The owner has been found to be debarred, suspended, or subject to a limited denial of participation by HUD or the THS.

6.7 INELIGIBLE/ELIGIBLE HOUSING

The following types of housing cannot be assisted under the Section 8 Tenant-Based Program:

- A. A public housing or Indian housing unit;
- B. A unit receiving project-based assistance under a Section 8 of the 1937 Act;
- C. Nursing homes, board and care homes, or facilities providing continual psychiatric, medical or nursing services;
- D. College or other school dormitories;
- E. Units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions;
- F. A unit occupied by its owner or by a person with any interest in the unit. This restriction does not apply to cooperatives or to assistance on behalf of a manufactured home owner leasing a manufactured home space;
- G. A unit receiving any duplicative Federal, State, or local housing subsidy. This does not prohibit renting a unit that has a reduced rent because of a tax credit.
- H. Housing owned by those who are prohibited from participation due to conflict of interest (such as THS employees or their first-degree blood relatives) and City of Tempe employees.
- I. Housing owned in whole or in part, by the family to be assisted.

The THS will not approve a lease for any of the following special housing types, except as a reasonable accommodation for a family with disabilities:

- Congregate housing
- Group homes
- Single room occupancy housing

The THS will approve leases for the following housing types:

- Single family dwellings
- Apartments
- Manufactured housing
- Manufactured home space rentals
- Shared housing

- Cooperative housing (as approved by HUD)
- PHA-owned housing; refer to Section 20.0 for eligibility requirements

6.8 SECURITY DEPOSIT

The owner may collect a security deposit from the tenant in an amount not in excess of amounts charged in private market practice and not in excess of amounts charged by the owner to unassisted tenants.

When the tenant moves out of the dwelling unit, the owner, subject to State or local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid rent payable by the tenant, damages to the unit or for other amounts the tenant owes under the lease.

The owner must give the tenant a written list of all items charged against the security deposit and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must refund promptly the full amount of the unused balance to the tenant.

If the security deposit is not sufficient to cover amounts the tenant owes under the lease, the owner may seek to collect the balance from the tenant.

7.0 MOVES WITH CONTINUED ASSISTANCE

Participating families are allowed to move to another unit after the initial 12 months in a unit has expired. After the initial 12 months of the lease, the landlord and the participant may mutually agree to terminate the lease, (See Section 17.0 of this Plan). The ‘initial 12 months’ is defined as the first 12 months the family has leased in their unit. If the family remains in the same unit after the initial 12 months, but executes a new lease, and the owner executes a new contract, this will not be considered an ‘initial’ term.

The THS will issue the family a new voucher if the family does not owe the THS or any other Housing Authority money, has not violated a Family Obligation, has not moved or been issued a voucher within the last 12 months, and if the THS has sufficient funding for continued assistance. If the move is necessitated for a reason other than family choice, (other than evictions, family obligation violations and/or lease violations) the 12-month requirement will be waived.

7.1 WHEN A FAMILY MAY MOVE

For families already participating in the Housing Choice Voucher Program, the THS will allow the family to move to a new unit if:

- A. The assisted lease for the old unit has terminated;
- B. The owner has given the tenant a notice to vacate, or non-renewal. or
- C. The tenant has given notice of lease termination (if the tenant has a right to terminate the lease on notice to the owner); or
- D. The tenant and landlord have signed a Mutual Recession of Lease.

7.2 PROCEDURES REGARDING FAMILY MOVES

Families considering transferring to a new unit will be briefed on the following:

- A. A refresher on program requirements and the family's responsibilities. Emphasis will be on giving proper notice and meeting all lease requirements such as leaving the unit in good condition;
- B. Information about finding suitable housing and the advantages of moving to an area that does not have a high concentration of low income families;
- C. Payment standards, exception payment standard rent areas, and the utility allowance schedule;
- D. An explanation that the family share of rent may not exceed 40% of the family's monthly adjusted income if the gross rent exceeds the applicable payment standard;
- E. Portability requirements and opportunities;
- F. The need to have a reexamination conducted within 120 days prior to the move;
- G. An explanation and copies of the forms required to initiate and complete the move; and
- H. All forms and brochures provided to applicants at the initial briefing.

Families are required to give proper written notice of their intent to terminate the lease. In accordance with HUD regulations, no notice requirement may exceed 60 days. If the family moves from the unit before the initial term of the lease ends without the owner's and the THS approval, it will be considered a serious lease violation and subject the family to termination from the program.

The family is required to give the THS a copy of the notice to terminate the lease at the same time as it gives the notice to the landlord. A family's failure to provide a copy of the lease termination notice to the THS will be considered a violation of Family Obligations and may cause the family to be terminated from the program.

Failure to follow the above procedures may subject the family to termination from the program.

8.0 PORTABILITY

8.1 GENERAL POLICIES

A family whose head or spouse has a domicile (legal residence) in the jurisdiction of the City of Tempe Housing Services at the time the family first submits its application for participation in the program to the THS may lease a unit anywhere in the jurisdiction of the THS or outside the THS jurisdiction as long as there is another entity operating a tenant-based Section 8 program covering the location of the proposed unit.

If the head or spouse of the assisted family does not have a legal residence in the jurisdiction of the THS at the time of its application, the family will not have any right to lease a unit outside of the THS jurisdiction for a 12-month period beginning when the family is first admitted to the program. During this period, the family may only lease a unit located in the jurisdiction of the THS.

Families participating in the Housing Choice Voucher Program will not be allowed to move more than once in any 12-month period and under no circumstances will the THS allow a participant to improperly break a lease. Under extraordinary circumstances the THS may consider allowing more than one move in a 12-month period.

Families may only move to a jurisdiction where a Section 8 Program is being administered.

For income targeting purposes, the family will count towards the initial housing authority's goals unless the receiving housing authority absorbs the family. If absorbed, the admission will count towards the receiving housing authority's goals.

If a family has moved out of their assisted unit in violation of the lease, the THS will not issue a voucher and will terminate assistance in compliance with Section 17.0, Termination of the Lease and Contract.

Families with outstanding debts, or who are in violation of their family obligations, will not be approved for portability.

8.2 INCOME ELIGIBILITY

- A. A family must be income-eligible in the area where the family first leases a unit with assistance in the Housing Choice Voucher Program.
- B. If a portable family is already a participant in the Initial Housing Authority's Housing Choice Voucher Program, income eligibility is not re-determined.

8.3 PORTABILITY: ADMINISTRATION BY RECEIVING HOUSING AUTHORITY

- A. When a family utilizes portability to move to an area outside the Initial Housing Authority jurisdiction, another Housing Authority (the Receiving Housing Authority) must administer assistance for the family if that Housing Authority has a tenant-based program covering the area where the unit is located.
- B. A Housing Authority with jurisdiction in the area where the family wants to lease a unit must issue the family a voucher. If there is more than one such housing authority, the Initial Housing Authority may choose which housing authority shall become the Receiving Housing Authority.

8.4 PORTABILITY PROCEDURES

- A. When the THS is the Initial Housing Authority:
 - 1. The THS will brief the family on the process that must take place to exercise portability. The family will be required to meet with the Housing Specialist assigned to their file to complete the portability request.
 - 2. The THS will determine whether the family is income-eligible in the area where the family wants to lease a unit (if applicable).
 - 3. The THS will advise the family how to contact and request assistance from the Receiving Housing Authority.
 - 4. The THS will, within ten (10) calendar days, notify the Receiving Housing Authority to expect the family.
 - 5. The THS will immediately send to the Receiving Housing Authority the most recent HUD Form 50058 (Family Report) for the family, and related verification information.

B. When the THS is the Receiving Housing Authority:

1. When the portable family requests assistance from the THS, the THS will within ten (10) calendar days inform the Initial Housing Authority whether it will bill the Initial Housing Authority for assistance on behalf of the portable family, or absorb the family into its own program. When the THS receives a portable family, the family will be absorbed if funds are available and a voucher will be issued.
2. The THS will issue a voucher to the family. The term of the THS's voucher will not expire before the expiration date of any Initial Housing Authority's voucher. The THS will determine whether to extend the voucher term. The family must submit a request for tenancy approval to the THS during the term of the THS's voucher.
3. The THS will determine the family unit size for the portable family. The family unit size is determined in accordance with the THS's subsidy standards.
4. The THS will within ten (10) calendar days notify the Initial Housing Authority if the family has leased an eligible unit under the program, or if the family fails to submit a request for tenancy approval for an eligible unit within the term of the voucher.
5. If the THS opts to conduct a new reexamination, the THS will not delay issuing the family a voucher or otherwise delay approval of a unit unless the re-certification is necessary to determine income eligibility.
6. In order to provide tenant-based assistance for portable families, the THS will perform all housing program functions, such as screening requirements, criminal checks, reexaminations of family income and composition. At any time, either the Initial Housing Authority or the THS may make a determination to deny or terminate assistance to the family in accordance with 24 CFR 982.552.
7. The THS may deny or terminate assistance for family action or inaction in accordance with 24 CFR 982.552 and 24 CFR 982.553.

B. Absorption by the THS

1. If funding is available under the consolidated ACC for the THS's Housing Choice Voucher Program when the portable family is received, the THS will absorb the family into its Housing Choice Voucher Program.

After absorption, the family is assisted with funds available under the consolidated ACC for the THS's Tenant-Based Program.

D. Portability Billing

1. To cover assistance for a portable family, the Receiving Housing Authority may bill the Initial Housing Authority for housing assistance payments and administrative fees. The billing procedure will be as follows:
 - a. As the Initial Housing Authority, the THS will promptly reimburse the Receiving Housing Authority for the full amount of the housing assistance payments made by the Receiving Housing Authority for the portable family. The amount of the housing assistance payment for a portable family in the Receiving Housing Authority's program is determined in the same manner as for other families in the Receiving Housing Authority's program.
 - b. The Initial Housing Authority will promptly reimburse the Receiving Housing Authority for 80% of the Initial Housing Authority's on-going administrative fee for each unit month that the family receives assistance under the tenant-based programs and is assisted by the Receiving Housing Authority. If both Housing Authorities agree, a different amount of reimbursement may be negotiated.

E. When a Portable Family Moves

When a portable family moves out of the tenant-based program of a Receiving Housing Authority that has not absorbed the family, the Housing Authority in the new jurisdiction to which the family moves becomes the Receiving Housing Authority, and the first Receiving Housing Authority is no longer required to provide assistance for the family.

9.0 DETERMINATION OF FAMILY INCOME

9.1 *INCOME, EXCLUSIONS FROM INCOME, DEDUCTIONS FROM INCOME*

To determine annual income, the THS counts the income of all family members, excluding the types and sources of income that are specifically excluded. Once the gross annual income is determined, the THS deducts all allowable deductions (allowances) as the next step in determining the Total Tenant Payment.

9.2 ANNUAL INCOME (§5.609)

A. Annual income means all amounts, monetary or not, which:

1. Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member, or
2. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
3. Are not specifically excluded from annual income in Section 9.3 of this Plan.
4. Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

B. Annual income includes, but is not limited to:

1. The full (gross) amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
2. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph B2 of this section (above).

Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.

4. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)
5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)
6. Welfare assistance.
 - a. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:
 - i. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - ii. The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.
 - b. If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased.

In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.

- c. If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted.
- 7. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
- 8. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)
- 9. Any other income inclusions as determined by HUD.

9.3 EXCLUSIONS FROM INCOME

Annual income does not include the following:

- A. Income from employment of children (including foster children) under the age of 18 years;
- B. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- C. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses, (except as provided in paragraph B5 above of this section).
- D. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- E. Income of a live-in aide, as defined in §5.403;
- F. The full amount of student financial assistance paid directly to the student or to the educational institution;
- G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- H. The amounts received from the following programs:

1. Amounts received under training programs funded by HUD;
2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;
4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiative coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time;
5. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
6. Temporary, nonrecurring, or sporadic income (including gifts);
7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
9. Adoption assistance payments in excess of \$480 per adopted child;
10. Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;

11. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
12. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
13. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits.

These exclusions include:

- a. The value of the allotment of food stamps
- b. Payments to volunteers under the Domestic Volunteer Services Act of 1973
- c. Payments received under the Alaska Native Claims Settlement Act
- d. Income from submarginal land of the U.S. that is held in trust for certain Indian tribes
- e. Payments made under HHS's Low-Income Energy Assistance Program
- f. Payments received under the Job Training Partnership Act
- g. Income from the disposition of funds of the Grand River Band of Ottawa Indians
- h. The first \$2000 per capita received from judgment funds awarded for certain Indian claims
- i. Amount of scholarships awarded under Title IV including Work-Study
- j. Payments received under the Older Americans Act of 1965
- k. Payments from Agent Orange Settlement
- l. Payments received under the Maine Indian Claims Act
- m. The value of child care under the Child Care and Development Block Grant Act of 1990
- n. Earned income tax credit refund payments
- o. Payments for living expenses under the AmeriCorps Program
- p. Any other income exclusions as determined by HUD.

9.4 DEDUCTIONS FROM ANNUAL INCOME

The following deductions will be made from annual income:

- A. \$480 for each dependent
- B. \$400 for any elderly family or disabled family

C. Disability assistance expenses in excess of 3% of annual income for any family that is not an elderly or disabled family but has a member (other than the head or spouse) who is a person with a disability,. This allowance may not exceed the employment income received by family members who are 18 years of age or older as a result of the assistance to the person with disabilities.

D. For any elderly or disabled family:

1. That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed 3% of annual income;

Note: The THS will use the Internal Revenue Service guidelines to determine allowable medical expenses.

2. That has disability expenses greater than or equal to 3% of annual income, an allowance for disability assistance expenses computed in accordance with paragraph C, plus an allowance for medical expenses that equal the family's medical expenses;
3. That has disability assistance expenses that are less than 3% of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the total of these expenses less 3% of annual income.

E. Child care expenses.

1. Any reasonable childcare related expenses billed by a care facility or private individual providing childcare (only those amounts not reimbursed by an agency or individual outside the family can be counted.) This deduction applies to expenses relating to the care of any children under the age of 13 residing in the family.

Such care must be necessary for a family member to be gainfully employed, or to further his/her education. Childcare may also be approved on a case-by-case basis when reasonable accommodation is requested.

2. Child care for the convenience of the family is not an allowable expense. For example, if there is an adult family member, who is capable and available to provide childcare, residing with the family who chooses not to care for the child, childcare expenses are not deductible. The deduction for childcare expenses may not exceed the amount of income earned.

10.0 VERIFICATION

The THS will verify information related to waiting list preferences, eligibility, admission and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, need for a live-in aide and other reasonable accommodations, full-time student status of family members 18 years of age and older, Social Security Numbers, citizenship/eligible noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

10.1 ACCEPTABLE METHODS OF VERIFICATION

Age, family composition, relationship, U.S. citizenship, and Social Security Numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.

Other information will be verified by third party verification. This type of verification includes written documentation (with forms sent directly to and received directly from a source, not passed through the hands of the family). This verification may also be direct contact with the source, in person or by telephone. It may also be a report generated by a request from the THS or automatically by another government agency, i.e., the Social Security Administration. Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e., name date of contact, amount received, etc.

When third party verification cannot be obtained within 14 calendar days, the THS will then move to the next method of verification: the phone verification. Staff will document the file explaining why the third-party verification method could not be used. The file will be documented with the phone verification.

If neither the third-party or the phone verification methods cannot be used, the third method of verification is the hand-carried or tenant self-certification method.

Hand-carried documentation will also be generally accepted for items where third-party verification is not available, such as Social Security verifications, SSI verifications, divorce decrees, bank statements from banks that will charge verification fees, etc.)

Photocopies of the documents provided by the family will be maintained in the file.

When neither third party verification nor hand-carried verification can be obtained, the THS will accept a notarized self-certification statement signed by the head, spouse or co-head. Such documents will be maintained in the file.

10.2 TYPES OF VERIFICATION

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought. To obtain written third party verification, the THS will send a request form to the source along with a release form signed by the applicant/participant via first class mail.

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
General Eligibility Items		
Age	N/A	Birth Certificates, Official Religious documents, Visa, etc.
Social Security Number	Letter from Social Security, electronic reports	Social Security card
Citizenship	N/A	Signed certification, voter's registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	Letter from medical professional, SSI, etc.	Proof of SSI or Social Security disability payments
Full time student status (if >18)	Letter from school	For high school students, any document evidencing enrollment
Need for a live-in aide	Letter from doctor or other professional knowledgeable of condition	N/A
Child care costs	Letter from care provider	Bills and receipts
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
Medical expenses	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls
Value of and Income from Assets		
Savings, checking accounts	Letter from institution	Passbook, most current statements
CDs, bonds, etc	Letter from institution	Tax return, information brochure from institution, the CD, the bond
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet
Real property	Letter from tax office, assessment, etc.	Property tax statement (for current value), assessment, records or income and expenses, tax return
Personal property	Assessment, bluebook, etc	Receipt for purchase, other evidence of worth
Cash value of life insurance policies	Letter from insurance company	Current statement
Assets disposed of for less than fair market value	N/A	Original receipt and receipt at disposition, other evidence of worth
Income		
Earned income	Letter from employer	Multiple pay stubs
Self-employed	N/A	Tax return from prior year, books of accounts
Regular gifts and contributions	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)	Bank deposits, other similar evidence

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
Alimony/child support	Court order, letter from source, letter from Human Services	Record of deposits, divorce decree
Periodic payments (i.e., social security, welfare, pensions, workers' comp, unemployment)	Letter or electronic reports from the source	Award letter, letter announcing change in amount of future payments
Training program participation	Letter from program provider indicating <ul style="list-style-type: none"> - whether enrolled - whether training is HUD-funded - whether State or local program - whether it is employment training - whether payments are for out-of-pocket expenses incurred in order to participate in a program 	N/A

10.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS

The citizenship/eligible noncitizen status of each family member regardless of age must be determined.

Prior to being admitted, or at the first reexamination, all citizens and nationals will be required to sign a declaration under penalty of perjury. (They will be required to show proof of their status by such means as birth certificate, military ID or military DD 214 Form.)

Prior to being admitted or at the first reexamination, all eligible noncitizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age.

Prior to being admitted or at the first reexamination, all eligible noncitizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. The THS will make a copy of the individual's INS documentation and place the copy in the file. The THS also will verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, the THS will mail information to the INS so a manual check can be made of INS records.

Family members who do not claim to be citizens, nationals or eligible noncitizens, or whose status cannot be confirmed, must be listed on a statement of non-eligible members and the list must be signed by the head of the household.

Noncitizen students on student visas, though in the country legally, are not eligible to be admitted to the Section 8 Program.

Any family member who does not choose to declare their status must be listed on the statement of non-eligible members.

If no family member is determined to be eligible under this Section, the family's admission will be denied.

The family's assistance will not be denied, delayed, reduced or terminated because of a delay in the process of determining eligible status under this Section, except to the extent that the delay is caused by the family.

If the THS determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their Section 8 unit, the family's assistance will be terminated. Such family will not be eligible to be readmitted to Section 8 for a period of 24 months from the date of termination.

10.4 VERIFICATION OF SOCIAL SECURITY NUMBERS

Prior to admission, each family member who has a Social Security Number and who is at least six years of age must provide verification of his or her Social Security Number. New family members at least six years of age must provide this verification prior to being added to the lease. Children in assisted households must provide this verification at the first regular reexamination after turning six.

The best verification of the Social Security Number is the original Social Security card. If the card is not available, the THS will accept letters from Social Security that establish and state the number. Documentation from other governmental agencies will also be accepted that establish and state the number. Driver's license, military ID, passports, or other official documents that establish and state the number are also acceptable.

If individuals state that they do not have a Social Security Number they will be required to sign a statement to this effect. The THS will not require any individual who does not have a Social Security Number to obtain a Social Security Number.

If a member of an applicant family indicates they have a Social Security Number, but cannot readily verify it, the family cannot be assisted until verification is provided.

If a member of a tenant family indicates they have a Social Security Number, but cannot readily verify it, they shall be asked to certify to this fact and shall up to 60 days to provide the verification. If the individual is at least 62 years of age, they will be given 120 days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be denied assistance or will have their assistance terminated.

10.5 TIMING OF VERIFICATION

Verification must be dated within sixty (60) days of certification or reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

When an interim reexamination is conducted, THS will verify and update only those elements reported to have changed.

10.6 FREQUENCY OF OBTAINING VERIFICATION

For each family member, citizenship/eligible noncitizen status will be verified only once. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their status will be verified.

For each family member age 6 and above, verification of Social Security Number will be obtained only once. This verification will be accomplished prior to admission. When a family member who did not have a Social Security Number at admission receives a Social Security Number, that number will be verified at the next regular reexamination. Likewise, when a child turns six, their verification will be obtained at the next regular reexamination.

11.0 RENT AND HOUSING ASSISTANCE PAYMENT

11.1 GENERAL

After October 1, 1999, the THS will issue only Housing Choice Vouchers to applicants, movers, and families entering the jurisdiction through portability.

11.2 RENT REASONABLENESS

The THS will not approve an initial rent or a rent increase in any of the tenant-based programs without determining that the rent amount is reasonable. Reasonableness is determined prior to the initial lease and at the following times:

- A. Before any increase in rent to owner is approved;
- B. If 60 days before the contract anniversary date there is a 5% decrease in the published FMR as compared to the previous FMR; and
- C. If the THS or HUD directs that reasonableness be re-determined.

11.3 COMPARABILITY

In making a rent reasonableness determination, THS will compare the rent for the unit to the rent of comparable units in the same or comparable neighborhoods. THS will consider the location, quality, size, number of bedrooms, age, amenities, housing services, maintenance and utilities of the unit and the comparable units.

The THS will maintain current survey information on rental units in the jurisdiction. The THS will also obtain from landlord associations and management firms the value of the array of amenities.

Owners are invited to submit information to the survey at any time. Owners may review the determination made on their unit and may submit additional information or make improvements to the unit that will enable the THS to establish a higher value.

The owner must certify the rents charged for other units. By accepting the housing assistance payment each month the owner is certifying that the rent to owner is not more than the rent charged by the owner for comparable unassisted units in the premises.

11.4 MAXIMUM SUBSIDY

The Fair Market Rent (FMR) published by HUD or the exception payment standard rent (requested by the THS and approved by HUD) determines the maximum subsidy for a family.

Under the Housing Choice Voucher Program, the minimum payment standard will be 90% of the FMR and the maximum payment standard will be 110% of the FMR without prior approval from HUD, or the exception payment standard approved by HUD.

For a voucher tenancy in an insured or noninsured 236 project, a 515 project of the Rural Development Administration, or a Section 221(d)(3) below market interest rate project the payment standard may not exceed the basic rent charged including the cost of tenant-paid utilities.

For manufactured home space rental, the maximum subsidy under any form of assistance is the Fair Market Rent for the space as outlined in 24 CFR 982.888.

11.4.1 Setting the Payment Standard

The Statute requires that the payment standard be set by the Housing Authority at between 90% and 110% of the FMR without HUD's prior approval. The THS will review its determination of the payment standard annually after publication of the FMRs. The THS will consider vacancy rates and rents in the market area, size and quality of units leased under the program, rents for units leased under the program, success rates of voucher holders in finding units, and the percentage of annual income families are paying for rent under the Housing Choice Voucher Program. If it is determined that success rates will suffer or that families are having to rent low quality units or pay over 40% of income for rent, the payment standard may be raised to the level judged necessary to alleviate these hardships.

The THS may establish a higher payment standard (although still within 110% of the published fair market rent) as a reasonable accommodation for a family that includes people with disabilities.

Payment standards will not be raised solely to allow the renting of luxury quality units.

If success levels are projected to be extremely high and rents are projected to be at or below 30% of income, the Housing Authority will reduce the payment standard. Payment standards for each bedroom size are evaluated separately so that the payment standard for one bedroom size may increase or decrease while another remains unchanged. The THS may consider adjusting payment standards at times other than the annual review when circumstances warrant.

Before increasing any payment standard, THS will conduct a financial feasibility test to ensure that in using the higher standard, adequate funds will continue to be available to assist families in the program.

11.4.2 Selecting the Correct Payment Standard for a Family

- A. For the voucher tenancy, the payment standard for a family is the lower of:
1. The payment standard for the family unit size; or
 2. The payment standard for the unit size rented by the family.

- B. If the unit rented by a family is located in an exception rent area, the Housing Authority will use the appropriate payment standard for the exception rent area.
- C. During the HAP contract term for a unit, the amount of the payment standard for a family is the higher of:
 - 1. The initial payment standard (at the beginning of the lease term) minus any amount by which the initial rent to owner exceeds the current rent to owner; or
 - 2. The payment standard as determined at the most recent regular reexamination of family income and composition effective after the beginning of the HAP contract term.
- D. At the next annual reexamination following a change in family size or composition during the HAP contract term and for any reexamination thereafter, paragraph C above does not apply.
- E. If there is a change in family unit size resulting from a change in family size or composition, the new family unit size will be considered when determining the payment standard at the next annual reexamination.

11.4.3 Area Exception Rents

In order to help families find housing outside areas of high poverty or when voucher holders are having trouble finding housing for lease under the program, the Housing Authority may request that HUD approve an exception payment standard rent for certain areas within its jurisdiction. The areas may be of any size, though generally not smaller than a census tract. The Housing Authority may request one such exception payment standard area or many. Exception payment standard rent authority may be requested for all or some unit sizes, or for all or some unit types. The exception payment standard area(s) may not contain more than 50% of the population of the FMR area.

When an exception payment standard rent has been approved and the FMR increases, the exception rent remains unchanged until such time as the Housing Authority requests and HUD approves a higher exception payment standard rent. If the FMR decreases, the exception payment standard rent authority automatically expires.

11.5 ASSISTANCE AND RENT FORMULAS

- A. Total Tenant Payment
The total tenant payment is equal to the highest of:
 - 1. 10% of monthly income
 - 2. 30% of adjusted monthly income

3. Minimum rent, if applicable
4. The welfare rent, if applicable

Plus any rent above the payment standard.

B. Minimum Rent

The THS has not set a minimum rent

C. Section 8 Housing Choice Vouchers

1. The payment standard is set by the Housing Authority between 90% and 110% of the FMR or higher or lower with HUD approval.
2. The participant pays the greater of the Total Tenant Payment or the minimum rent, plus the amount by which the gross rent exceeds the payment standard.
3. No participant when initially receiving tenant-based assistance on a unit shall pay more than 40% of their monthly-adjusted income if the gross rent exceeds the applicable payment standard.

D. Section 8 Preservation Vouchers

1. Payment Standard

- a. The payment standard is the lower of:
 - i. The payment standard amount for the appropriate family unit size; or
 - ii. The payment standard amount for the size of the dwelling unit actually rented by the family.
- b. If the dwelling unit is located in an exception area, the THS will use the appropriate payment standard for the exception area.
- c. During the HAP contract term, the payment standard for the family is the higher of :
 - i. The initial payment standard (at the beginning of the HAP contract term), as determined in accordance with paragraph (1)(a) or (1)(b) of this section, minus any amount by which the initial rent to the owner exceeds the current rent to the owner; or
 - ii. The payment standard as determined in accordance with paragraph (1)(a) or (1)(b) of this section, as determined at the most recent regular reexamination of family income and composition effective after the beginning of the HAP contract term.
- d. At the next regular reexamination following a change in family composition that causes a change in family unit size during the HAP contract term, and for any examination thereafter during the term:
 - i. Paragraph (c)(i) of this section does not apply; and

- ii. The new family unit size must be used to determine the payment standard.
 - 2. The THS will pay a monthly housing assistance payment on behalf of the family that equals the lesser of:
 - a. The payment standard minus the total tenant payment; or
 - b. The gross rent minus the total tenant payment.
- E. Manufactured Home Space Rental: Section 8 Vouchers
- 1. The payment standard for a participant renting a manufactured home space is the published FMR for rental of a manufactured home space.
 - 2. The space rent is the sum of the following as determined by the Housing Authority:
 - a. Rent to the owner for the manufactured home space;
 - b. Owner maintenance and management charges for the space; and
 - c. Utility allowance for tenant paid utilities.
 - 3. The participant pays the rent to owner less the HAP.
 - 4. HAP equals the lesser of:
 - a. The payment standard minus the total tenant payment; or
 - b. The rent paid for rental of the real property on which the manufactured home owned by the family is located.
- F. Rent for Families under the Noncitizen Rule
- A mixed family will receive full continuation of assistance if all of the following conditions are met:
- 1. The family was receiving assistance on June 19, 1995;
 - 2. The family was granted continuation of assistance before November 29, 1996;
 - 3. The family's head or spouse has eligible immigration status; and
 - 4. The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse, or any child (under the age of 18) of the head or spouse.

If a mixed family qualifies for prorated assistance but decides not to accept it, or if the family has no eligible members, the family may be eligible for temporary deferral of termination of assistance to permit the family additional time for the orderly transition of some or all of its members to locate other affordable housing.

Under this provision the family receives full assistance. If assistance is granted under this provision prior to November 29, 1996, it may last no longer than three years. If granted after that date, the maximum period of time for assistance under the provision is 18 months.

The THS will grant each family a period of 6 months to find suitable affordable housing. If the family cannot find suitable affordable housing, the THS will provide additional search periods up to the maximum time allowable. Suitable housing means housing that is not substandard and is of appropriate size for the family. Affordable housing means that it can be rented for an amount not exceeding the amount the family pays for rent, plus utilities, plus 25%.

The family's assistance is prorated in the following manner:

1. Find the prorated housing assistance payment (HAP) by dividing the HAP by the total number of family members, and then multiplying the result by the number of eligible family members.
2. Obtain the prorated family share by subtracting the prorated HAP from the gross rent (contract rent plus utility allowance).
3. The prorated tenant rent equals the prorated family share minus the full utility allowance.

G. Prorating Formula

The THS will use the standard 30 day formula for the prorating of HAP Payments.

H. Overlap Payments

The THS will allow overlapping HAP payments up to 10 calendar days with prior approval from the THS.

11.6 UTILITY ALLOWANCE

The THS maintains a utility allowance schedule for all tenant-paid utilities (except telephone), for cost of tenant-supplied refrigerators and ranges, and for other tenant-paid housing services (e.g., trash collection (disposal of waste and refuse)).

The utility allowance schedule is determined based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. In developing the schedule, the THS will use normal patterns of consumption for the community as a whole and current utility rates.

The THS will review the utility allowance schedule annually and will revise any allowance for a utility category if there has been a change of 10% or more in the utility rate since the last time the utility allowance schedule was revised. The THS maintains information supporting the annual review of utility allowances and any revisions made in its utility allowance schedule. Participants may review this information at any time by making an appointment with the THS.

The THS uses the appropriate utility allowance for the size of dwelling unit actually leased by the family (rather than the family unit size as determined under the THS subsidy standards).

At each annual reexamination, the THS applies the utility allowance from the most current utility allowance schedule.

The THS will approve a request for a utility allowance that is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability.

The utility allowance will be subtracted from the family's share to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to the owner. The amount of the utility allowance is then still available to the family to pay the cost of their utilities. Any utility cost above the allowance is the responsibility of the tenant. Any savings resulting from utility costs below the amount of the allowance belong to the tenant.

11.7 DISTRIBUTION OF HOUSING ASSISTANCE PAYMENT

In accordance with HUD Regulations, the THS pays the owner the lesser of the housing assistance payment or the rent to owner. If payments are not made when due, the owner may charge the THS a late payment, agreed to in the Contract and in accordance with generally accepted practices in the THS jurisdiction if the following conditions apply:

- A. It is the owner's practice to charge such penalties for assisted and unassisted tenants; and
- B. The owner also charges such penalties against the tenant for late payment of family rent to the owner.
- C. The housing assistance payment will be considered received upon mailing of the housing assistance payment check.

Late charges will not be paid when the reason for the lateness is attributable to factors beyond the control of the THS.

11.8 CHANGE OF OWNERSHIP

The THS requires a written request by the owner who executed the HAP contract in order to make changes regarding who is to receive the Housing Assistance payment or the address as to where the housing assistance should be sent.

In addition, the THS requires a written request from the new owner to process a change of ownership. The following documents must accompany the written request:

- A. Deed of Trust showing the transfer of title; and
- B. Tax Identification Number or Social Security Number.

New owners will be required to execute IRS form W-9. The THS may withhold the rent payment until the original IRS form W-9 with the taxpayer identification number is received.

If the owner has a management company managing the property, a copy of the management agreement must also be submitted.

In addition, it will be verified whether the owner is registered with the County Assessor's office as an owner of residential rental property in Arizona. The THS will not approve a change of ownership with a new owner if the owner has not registered with the County Assessor.

12.0 INSPECTION POLICIES AND HOUSING QUALITY STANDARDS

The THS will inspect all units to ensure that they meet Housing Quality Standards (HQS). No unit will be initially placed on the Section 8 Housing Assistance Program unless the HQS is met. Units will be inspected at least annually, and at other times as needed, to determine if the units meet HQS.

Upon receipt of the Request for Tenancy Approval, the THS will contact the owner, or tenant, whichever is applicable, generally within five (5) working days to schedule an inspection of the unit.

The THS must inspect the unit, determine whether the unit satisfies the HQS, and notify the family and owner of the determination within fifteen (15) days after the family and the owner submit a request for approval of the tenancy. The fifteen day clock is suspended during any period when the unit is not available for inspection.

The THS must be allowed to inspect the dwelling unit at reasonable times with reasonable notice. The family and owner will be notified of the inspection appointment. If the family cannot be at home for the scheduled inspection appointment, the family must call and reschedule the inspection or make arrangements to enable the THS to enter the unit and complete the inspection.

If the family misses the scheduled inspection and fails to reschedule the inspection, the THS will only schedule one more inspection. If the family misses two inspections, the THS will consider the family to have violated a Family Obligation and their assistance will be terminated.

12.1 TYPES OF INSPECTIONS

There are seven types of inspections the THS will perform:

- A. Initial Inspection - An inspection that must take place to insure that the unit meets Housing Quality Standards before assistance can begin.
- B. Annual Inspection - An inspection to determine that the unit continues to meet Housing Quality Standards.
- C. Complaint Inspection - An inspection conducted by the THS after receiving a complaint on the unit by the tenant, landlord, other person or agency.
- D. Special Inspection - An inspection caused by a third party, i.e., HUD, needing to view the unit.
- E. Emergency - An inspection that takes place in the event of a perceived emergency. These will take precedence over all other inspections.
- F. Move Out Inspection (if applicable) - An inspection required for units in service before October 2, 1995, and optional after that date. These inspections document the condition of the unit at the time of the move-out.
- G. Quality Control Inspection - Supervisory inspections on at least 5% of the total number of units that were under lease during the THS' previous fiscal year.

12.2 OWNER AND FAMILY RESPONSIBILITY

- A. Owner Responsibility for Housing Quality Standards:
 - 1. The owner must maintain the unit in accordance with HQS.
 - 2. If the owner fails to maintain the dwelling unit in accordance with HQS, the THS will take prompt and vigorous action to enforce the owner obligations. Remedies under the Housing Assistance Payments Contract for such breach of the HQS include termination, suspension or reduction of housing assistance payments and termination of the HAP contract.
 - 3. The THS will not make any housing assistance payments for a dwelling unit that fails to meet the HQS, unless the owner corrects the defect within the period specified by the THS and the THS verifies the correction.

If a defect is life threatening, the owner must correct the defect within no more than 24 hours. For other defects the owner must correct the defect within no more than 30 calendar days (or any THS approved extension).

4. The owner is not responsible for a breach of the HQS that is not caused by the owner, and for which the family is responsible. Furthermore, the THS may terminate assistance to a family because of the HQS breach caused by the family.

B. Family Responsibility for HQS:

1. The family is responsible for a breach of the HQS that is caused by any of the following:
 - a. The family fails to pay for any utilities that the owner is not required to pay for, but which are to be paid by the tenant;
 - b. The family fails to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the tenant; or
 - c. Any member of the household or a guest damages the dwelling unit or premises (damage beyond ordinary wear and tear).
2. If an HQS breach caused by the family is life threatening, the family must correct the defect within no more than 24 hours. For other family-caused defects, the family must correct the defect within no more than 30 calendar days (or any THS approved extension).
3. If the family has caused a breach of the HQS, the THS will take prompt and vigorous action to enforce the family obligations. The THS may terminate assistance for the family in accordance with 24 CFR 982.552.

12.3 HOUSING QUALITY STANDARDS (HQS) 24 CFR 982.401

This Section states performance and acceptability criteria for these key aspects of the following housing quality standards:

A. Sanitary Facilities

1. **Performance Requirement**
The dwelling unit must include sanitary facilities located in the unit.

The sanitary facilities must be in proper operating condition and adequate for personal cleanliness and the disposal of human waste. The sanitary facilities must be usable in privacy.

2. Acceptability Criteria

- a. The bathroom must be located in a separate private room and have a flush toilet in proper operating condition.
- b. The dwelling unit must have a fixed basin in proper operating condition, with a sink trap and hot and cold running water.
- c. The dwelling unit must have a shower or a tub in proper operating condition with hot and cold running water.
- d. The facilities must utilize an approvable public or private disposal system (including a locally approvable septic system).

B. Food Preparation and Refuse Disposal

1. Performance Requirements

- a. The dwelling unit must have suitable space and equipment to store, prepare, and serve foods in a sanitary manner.
- b. There must be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

2. Acceptability Criteria

- a. The dwelling unit must have an oven, a stove or range, and a refrigerator of appropriate size for the family. All of the equipment must be in proper operating condition. Either the owner or the family may supply the equipment. A microwave oven may be substituted for a tenant-supplied oven and stove or range. A microwave oven may be substituted for an owner-supplied oven and stove or range if the tenant agrees and microwave ovens are furnished instead of an oven and stove or range to both subsidized and unsubsidized tenants in the building or premises.
- b. The dwelling unit must have a kitchen sink in proper operating condition, with a sink trap and hot and cold running water. The sink must drain into an approvable public or private system.
- c. The dwelling unit must have space for the storage, preparation, and serving of food.
- d. There must be facilities and services for the sanitary disposal of food waste and refuse, including temporary storage facilities where necessary (e.g., garbage cans).

C. Space and Security

1. Performance Requirement

The dwelling unit must provide adequate space and security for the family.

2. Acceptability Criteria

- a. At a minimum, the dwelling unit must have a living room, a kitchen area, and a bathroom.
- b. The dwelling unit must have at least one bedroom or living/sleeping room for each two persons. Children of opposite sex, other than very young children, may not be required to occupy the same bedroom or living/sleeping room.
- c. Dwelling unit windows that are accessible from the outside, such as basement, first floor, and fire escape windows, must be lockable (such as window units with sash pins or sash locks, and combination windows with latches). Windows that are nailed shut are acceptable only if these windows are not needed for ventilation or as an alternate exit in case of fire.
- d. The exterior doors of the dwelling unit must be lockable. Exterior doors are doors by which someone can enter or exit the dwelling unit.

D. Thermal Environment

1. Performance Requirement

The dwelling unit must have and be capable of maintaining a thermal environment healthy for the human body.

2. Acceptability Criteria

- a. There must be a safe system for heating the dwelling unit (and a safe cooling system, where present). The system must be in proper operating condition. The system must be able to provide adequate heat (and cooling, if applicable), either directly or indirectly, to each room, in order to assure a healthy living environment appropriate to the climate.
- b. The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Electric heaters are acceptable.

E. Illumination and Electricity

1. Performance Requirement

Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants.

The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. The electrical fixtures and wiring must ensure safety from fire.

2. Acceptability Criteria

- a. There must be at least one window in the living room and in each sleeping room.
- b. The kitchen area and the bathroom must have a permanent ceiling or wall light fixture in proper operating condition. The kitchen area must also have at least one electrical outlet in proper operating condition.
- c. The living room and each bedroom must have at least two electrical outlets in proper operating condition. Permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets.

F. Structure and Materials

1. Performance Requirement

The dwelling unit must be structurally sound. The structure must not present any threat to the health and safety of the occupants and must protect the occupants from the environment.

2. Acceptability Criteria

- a. Ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling, missing parts, or other serious damage.
- b. The roof must be structurally sound and weather tight.
- c. The exterior wall structure and surface must not have any serious defects such as serious leaning, buckling, sagging, large holes, or defects that may result in air infiltration or vermin infestation.
- d. The condition and equipment of interior and exterior stairs, halls, porches, walkways, etc., must not present a danger of tripping and falling. For example, broken or missing steps or loose boards are unacceptable.
- e. Elevators must be working and safe.

G. Interior Air Quality

1. Performance Requirement

The dwelling unit must be free of pollutants in the air at levels that threaten the health of the occupants.

2. Acceptability Criteria

- a. The dwelling unit must be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants.

- b. There must be adequate air circulation in the dwelling unit.
- c. Bathroom areas must have one window that can be opened or other adequate exhaust ventilation.
- d. Any room used for sleeping must have at least one window. If the window is designed to be opened, the window must work.

H. Water Supply

- 1. Performance Requirement
The water supply must be free from contamination.
- 2. Acceptability Criteria
The dwelling unit must be served by an approvable public or private water supply that is sanitary and free from contamination.

I. Lead-based Paint

- 1. Definitions
 - a. Chewable surface: Protruding painted surfaces up to five feet from the floor or ground that are readily accessible to children under six years of age; for example, protruding corners, window sills and frames, doors and frames, and other protruding woodwork.
 - b. Component: An element of a residential structure identified by type and location, such as a bedroom wall, an exterior window sill, a baseboard in a living room, a kitchen floor, an interior window sill in a bathroom, a porch floor, stair treads in a common stairwell, or an exterior wall.
 - c. Defective paint surface: A surface on which the paint is cracking, scaling, chipping, peeling, or loose.
 - d. Elevated blood level (EBL): Excessive absorption of lead. Excessive absorption is a confirmed concentration of lead in whole blood of 20 ug/dl (micrograms of lead per deciliter) for a single test or of 15-19 ug/dl in two consecutive tests 3-4 months apart.
 - e. HEPA: A high efficiency particle accumulator as used in lead abatement vacuum cleaners.
 - f. Lead-based paint: A paint surface, whether or not defective, identified as having a lead content greater than or equal to 1 milligram per centimeter squared (mg/cm^2), or 0.5 % by weight or 5000 parts per million (PPM).
- 2. Performance Requirements
 - a. The purpose of this paragraph of this Section is to implement Section 302 of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4822, by establishing procedures to eliminate as far as

practicable the hazards of lead-based paint poisoning for units assisted under this part.

This paragraph is issued under 24 CFR 35.24(b)(4) and supersedes, for all housing to which it applies, the requirements of subpart C of 24 CFR part 35.

- b. The requirements of this paragraph of this Section do not apply to 0-bedroom units, units that are certified by a qualified inspector to be free of lead-based paint, or units designated exclusively for the elderly. The requirements of subpart A of 24 CFR part 35 apply to all units constructed prior to 1978 covered by a HAP contract under part 982.
- c. If a dwelling unit constructed before 1978 is occupied by a family that includes a child under the age of six years, the initial and each periodic inspection (as required under this part) must include a visual inspection for defective paint surfaces. If defective paint surfaces are found, such surfaces must be treated in accordance with paragraph k of this Section.
- d. The THS may exempt from such treatment defective paint surfaces that are found in a report by a qualified lead-based paint inspector not to be lead-based paint, as defined in paragraph 1(f) of this Section. For purposes of this Section, a qualified lead-based paint inspector is a State or local health or housing agency, a lead-based paint inspector certified or regulated by a State or local health or housing agency, or an organization recognized by HUD.
- e. Treatment of defective paint surfaces required under this Section must be completed within 30 calendar days of THS notification to the owner. When weather conditions prevent treatment of the defective paint conditions on exterior surfaces within the 30-day period, treatment as required by paragraph k of this Section may be delayed for a reasonable time.
- f. The requirements in this paragraph apply to:
 - i. All painted interior surfaces within the unit (including ceilings but excluding furniture);
 - ii. The entrance and hallway providing access to a unit in a multi-unit building; and
 - iii. Exterior surfaces up to five feet from the floor or ground that are readily accessible to children under six years of age (including walls, stairs, decks, porches, railings, windows and doors, but excluding outbuildings such as garages and sheds).
- g. In addition to the requirements of paragraph c of this Section, for a dwelling unit constructed before 1978 that is occupied by a family with a child under the age of six years with an identified EBL condition, the initial and each periodic inspection (as required

under this part) must include a test for lead-based paint on chewable surfaces.

Testing is not required if previous testing of chewable surfaces is negative for lead-based paint or if the chewable surfaces have already been treated.

- h. Testing must be conducted by a State or local health or housing agency, an inspector certified or regulated by a State or local health or housing agency, or an organization recognized by HUD. Lead content must be tested by using an X-ray fluorescence analyzer (XRF) or by laboratory analysis of paint samples.

Where lead-based paint on chewable surfaces is identified, treatment of the paint surface in accordance with paragraph k of this Section is required, and treatment shall be completed within the time limits in paragraph c of this Section.

- i. The requirements in paragraph g of this Section apply to all protruding painted surfaces up to five feet from the floor or ground that are readily accessible to children under six years of age:
 - i. Within the unit;
 - ii. The entrance and hallway providing access to a unit in a multi-unit building; and
 - iii. Exterior surfaces (including walls, stairs, decks, porches, railings, windows and doors, but excluding outbuildings such as garages and sheds).
- j. In lieu of the procedures set forth in paragraph g of this Section, the THS may, at its discretion, waive the testing requirement and require the owner to treat all interior and exterior chewable surfaces in accordance with the methods set out in paragraph k of this Section.
- k. Treatment of defective paint surfaces and chewable surfaces must consist of covering or removal of the paint in accordance with the following requirements:
 - i. A defective paint surface shall be treated if the total area of defective paint on a component is:
 - (1) More than 10 square feet on an exterior wall;
 - (2) More than 2 square feet on an interior or exterior component with a large surface area, excluding exterior walls and including, but not limited to, ceilings, floors, doors, and interior walls;
 - (3) More than 10% of the total surface area on an interior or exterior component with a small surface area, including, but not limited to, windowsills, baseboards and trim.

- ii. Acceptable methods of treatment are the following: removal by wet scraping, wet sanding, chemical stripping on or off site, replacing painted components, scraping with infra-red or coil type heat gun with temperatures below 1100 degrees, HEPA vacuum sanding, HEPA vacuum needle gun, contained hydroblasting or high pressure wash with HEPA vacuum, and abrasive sandblasting with HEPA vacuum. Surfaces must be covered with durable materials with joint edges sealed and caulked as needed to prevent the escape of lead contaminated dust.
- iii. Prohibited methods of removal are the following: open flame burning or torching, machine sanding or grinding without a HEPA exhaust, uncontained hydroblasting or high pressure wash, and dry scraping except around electrical outlets or except when treating defective paint spots no more than two square feet in any one interior room or space (hallway, pantry, etc.) or totaling no more than twenty square feet on exterior surfaces.
- iv. During exterior treatment soil and playground equipment must be protected from contamination.
- v. All treatment procedures must be concluded with a thorough cleaning of all surfaces in the room or area of treatment to remove fine dust particles. Cleanup must be accomplished by wet washing surfaces with a lead solubilizing detergent such as trisodium phosphate or an equivalent solution.
- vi. Waste and debris must be disposed of in accordance with all applicable Federal, State, and local laws.
- l. The owner must take appropriate action to protect residents and their belongings from hazards associated with treatment procedures. Residents must not enter spaces undergoing treatment until cleanup is completed. Personal belongings that are in work areas must be relocated or otherwise protected from contamination.
- m. Prior to execution of the HAP contract, the owner must inform the THS and the family of any knowledge of the presence of lead-based paint on the surfaces of the residential unit.
- n. The THS must attempt to obtain annually from local health agencies the names and addresses of children with identified EBLs and must annually match this information with the names and addresses of participants under this part.

If a match occurs, the THS must determine whether local health officials have tested the unit for lead-based paint. If the unit has lead-based paint, the THS must require the owner to treat the lead-based paint. If the owner does not complete the corrective actions required by this Section, the family must be issued a voucher to move.

- o. The THS must keep a copy of each inspection report for at least three years. If a dwelling unit requires testing, or if the dwelling unit requires treatment of chewable surfaces based on the testing, the THS must keep the test results indefinitely and, if applicable, the owner certification and treatment.

The records must indicate which chewable surfaces in the dwelling units have been tested and which chewable surfaces were tested or tested and treated in accordance with the standards prescribed in this Section, such chewable surfaces do not have to be tested or treated at any subsequent time.

- p. The dwelling unit must be able to be used and maintained without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire (such as fire stairs or egress through windows).

J. Access

1. Performance Requirement

The dwelling unit must be able to be used and maintained without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire (such as fire stairs or egress through windows).

K. Site and Neighborhood

1. Performance Requirement

The site and neighborhood must be reasonably free from disturbing noises and reverberations and other dangers to the health, safety, and general welfare of the occupants.

2. Acceptability Criteria

The site and neighborhood may not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks or steps; instability; flooding, poor drainage, septic tank back-ups or sewage hazards; mudslides; abnormal air pollution, smoke or dust;

excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.

L. Sanitary Condition

1. Performance Requirement
The dwelling unit and its equipment must be in sanitary condition.
2. Acceptability Criteria
The dwelling unit and its equipment must be free of vermin and rodent infestation.

M. Smoke Detectors

1. Performance Requirements
 - a. Except as provided in paragraph b below of this Section, each dwelling unit must have at least one battery-operated or hard-wired smoke detector, in proper operating condition, on each level of the dwelling unit, including basements but excepting crawl spaces and unfinished attics. Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 (or its successor standards). If the dwelling unit is occupied by any hearing-impaired person, smoke detectors must have an alarm system, designed for hearing-impaired persons as specified in NFPA 74 (or successor standards).
 - b. For units assisted prior to April 24, 1993, owners who installed battery-operated or hard-wired smoke detectors prior to April 24, 1993, in compliance with HUD's smoke detector requirements, including the regulations published on July 30, 1992 (57 FR 33846), will not be required subsequently to comply with any additional requirements mandated by NFPA 74 (i.e., the owner would not be required to install a smoke detector in a basement not used for living purposes, nor would the owner be required to change the location of the smoke detectors that have already been installed on the other floors of the unit).

12.4 EXCEPTIONS TO THE HQS ACCEPTABILITY CRITERIA

The THS will utilize the acceptability criteria as outlined above with applicable State and local codes. Additionally, the THS has received HUD approval to require the following additional criteria:

A. City of Tempe Codes

- All units must meet the City of Tempe Building Code requirements. Units must also meet the City of Tempe Code Compliance requirements when cited in variations specified below. Units not meeting the local codes will fail until they are in compliance with the City of Tempe Codes.
- B. Windows/Arcadia Doors
- A screen is required on at least one openable window/patio door if the unit has an evaporative cooler as its source of cooling. If the unit is not evaporative cooled, screens are not required. If screens are supplied, they must be in good working condition.
- C. Ceilings
- Holes that are doorknob size or larger will fail.
- D. Walls
- Holes that are doorknob size or larger will fail.
 - Unpainted surfaces will fail.
- E. Floors
- Tripping hazards, regardless of who owns the flooring, will fail.
 - Soiled floor coverings will fail.
 - Deteriorated tiles in bathrooms and kitchens will pass with a 30-day Maintenance Request.
- F. Stove
- Gas stoves that fail to ignite properly will fail.
 - Missing drip pans on stove/oven will fail.
- G. Refrigerator
- Missing interior shelving, including vegetable trays and crisper lids, will fail.
- H. Space for Storage
- Broken or missing shelving will pass but will require a 30-day Maintenance Request.
- I. Bathroom
- The bathroom shall not be used as a passageway to a habitable room, hall, basement or to the exterior.
 - If mirror, medicine cabinet, towel bar or toilet paper holders are provided, they must be in useable condition. If broken or missing parts, items will pass with a 30-day Maintenance Request.
 - Constant running water in toilet will pass with a 30-day Maintenance Request.
 - Minor leaks or dripping faucets in sinks will pass with a 30-day Maintenance Request.

- Chipped porcelain in sinks or tubs, if rusty, will pass with a 30-day Maintenance Request.
- J. Floor Registers
- Floor registers so dirty that air would have difficulty passing through will fail.
- K. Plumbing
- Plumbing must be free from leaks and corrosion.
- L. Outdoor Appliances
- Laundry, or other appliances, not rated for exterior use must have a covering or enclosure when installed on the outside of the unit. The covering must be able to protect the appliance from weather and must meet safety requirements.

12.5 TIME FRAMES AND CORRECTIONS OF HQS FAIL ITEMS

A. Correcting Initial HQS Fail Items

The THS will schedule a timely inspection of the unit on the date the owner indicates that the unit will be ready for inspection, or as soon as possible thereafter, generally within 5 working days, upon receipt of a Request for Tenancy Approval.

The owner and participant will be notified in writing if the unit fails the inspection. If the unit fails HQS at the re-inspection, the owner and the participant will be advised to notify the THA to reschedule a re-inspection when the repairs have been properly completed.

On an initial inspection, the owner will be given up to 30 days to correct the items noted as failed, depending on the extent of the repairs that are required to be made. No unit will be placed under HAP Contract until the unit meets the HQS requirements.

If the items requiring attention do not meet the criteria of a 'fail' item, a 30 day Maintenance Request will be issued to the owner. Once the minor deficiencies are corrected, the 30-day Maintenance Request must be signed by both the owner and tenant and returned to the THS. The Maintenance Request must be returned within 30 days of the inspection.

B. HQS Fail Items for Units under Contract

The owner or participant will be given time to correct the failed items cited on the inspection report for a unit already under contract. If the failed items endanger the family's health or safety (using the emergency item in Section 12.6), the owner or participant will be given 24 hours to correct the violations. For less serious

failures, the owner or participant will be given up to 30 days to correct the failed item(s).

If the owner fails to correct the HQS failed items after proper notification has been given, the THS will abate payment and terminate the contract in accordance with Sections 12.7 and 17.0(B)(3).

If the participant fails to correct the HQS failed items that are family-caused after proper notification has been given, the THS will terminate assistance for the family in accordance with Sections 12.2(B) and 17.0(B)(3).

C. Time Frames for Corrections

1. Emergency repair items must be abated within 24 hours. A re-inspection is required to pass the unit.
2. Repair of refrigerators, range and oven, or a major plumbing fixture supplied by the owner, which will seriously affect the health and safety of the family must be abated within 72 hours. A re-inspection is required to pass the unit.
3. Non-emergency items must be completed within 30 days of the initial inspection. A re-inspection is required to pass the unit.
4. For major repairs, the owner will have up to 30 days to complete. A re-inspection is required to pass the unit.
5. For minor deficiencies, non-fail items, the owner will be given a 30-day Maintenance Request. The owner will have 30 days to correct the minor deficiencies. A re-inspection is not required to pass the unit. The owner and tenant must sign the Maintenance Request form certifying that all repairs have been completed.

D. Extensions

At the sole discretion of the THS, extensions of up to 30 days may be granted to permit an owner to complete repairs if the owner has made a good faith effort to initiate repairs. If repairs are not completed within 60 days after the initial inspection date, the THS will abate the rent and cancel the HAP contract for owner noncompliance. Appropriate extensions will be granted if a severe weather condition exists for such items as exterior painting and outside concrete work for porches, steps, and sidewalks.

12.6 EMERGENCY FAIL ITEMS

The following items are to be considered examples of emergency items that need to be abated within 24 hours:

- A. No hot or cold water
- B. No electricity
- C. Inability to maintain adequate heat
- D. Major plumbing leak
- E. Natural gas leak
- F. Broken lock(s) on first floor doors or windows
- G. Broken windows that unduly allow weather elements into the unit
- H. Electrical outlet smoking or sparking
- I. Exposed electrical wires which could result in shock or fire
- J. Unusable toilet when only one toilet is present in the unit
- K. Security risks such as broken doors or windows that would allow intrusion
- L. Other conditions which pose an immediate threat to health or safety

12.7 ABATEMENT

When a unit fails to meet HQS and the owner has been given an opportunity to correct the deficiencies, but has failed to do so within the required timeframe, the rent for the dwelling unit will be abated.

If the repairs are not corrected within 30 days from the inspection date, the THS will take action to abate payments and terminate the contract on day 31 (from the date of the inspection). The abatement will continue until the HAP contract is terminated.

If the deficiencies are corrected in the initial 30 day abatement period, the THS will end the abatement the day the unit passes inspection. Rent will resume and be paid at the next regularly scheduled payment cycle.

For tenant caused HQS deficiencies, the owner will not be held accountable and the rent will not be abated. The tenant is held to the same standard and timeframes for correction of deficiencies as owners. If repairs are not completed by the deadline, the THS will send a notice of termination to both the tenant and the owner. The tenant will be given the opportunity to request an informal hearing.

13.0 OWNER CLAIMS FOR DAMAGES, UNPAID RENT, AND VACANCY LOSS AND PARTICIPANT'S ENSUING RESPONSIBILITIES

This Section only applied to HAP contracts under the Section 8 Certificate and Voucher Programs. All HAP Contracts for the Certificate and Voucher Programs have been converted to the Housing Choice Voucher Program. The provisions for damage, unpaid rent, and vacancy loss claims do not apply to the Housing Choice Voucher Program.

14.0 REEXAMINATIONS

14.0.1 CHANGES IN LEASE OR RENT

If the participant and owner agree to any changes in the lease, all changes must be in writing. The owner and tenant must immediately give the THS a copy of the changes. The lease, including any changes, must be in accordance with applicable program requirements and this Administrative Plan.

Owners must notify the THS of any changes in the amount of the rent at least sixty (60) days before the changes go into effect. Any such changes are subject to the THS determining them to be reasonable.

Assistance shall not be continued unless the THS has approved a new tenancy in accordance with program requirements and has executed a new HAP contract with the owner if any of the following changes are made:

- A. Requirements governing participant or owner responsibilities for utilities or appliances;
- B. In the lease terms governing the term of the lease;

- C. If the participant moves to a new unit, even if the unit is in the same building or complex.

The approval of the THS is required for all other changes.

14.1 ANNUAL REEXAMINATION

At least annually, the THS will conduct a reexamination of family income and circumstances. The results of the reexamination determine (1) the rent the family will pay, and (2) whether the family subsidy is correct based on the family unit size.

The THS will send notification to the family advising them that it is time for their annual reexamination. The notification includes forms for the family to complete and return to the THS. Families who may need to make alternate arrangements due to a disability, may contact staff to request an accommodation of their needs.

During the annual reexamination process, the family must provide all information regarding income, assets, expenses, and other information necessary to determine the family's share of rent. The family will sign the HUD consent form and other consent forms that later will be mailed to the sources that will verify the family circumstances.

Upon receipt of verifications, the THS will determine the family's annual income and will calculate their family share.

14.1.1 Effective Date of Rent Changes for Annual Reexaminations

The new family share will be effective upon the anniversary date. Generally, the family will receive 30 days notice of any rent increase.

14.1.2 Missed Appointments/Failure to Respond

If the family fails to respond to the annual reexamination notification, or fails to attend a scheduled appointment, a second notification will be mailed. The second notification will advise the family of the final deadline date to complete the reexamination process. The notification will also advise that failure to complete and return the reexamination packet will result in the THS taking action to terminate the family's assistance. Failure to respond to the second notification will result in a termination of assistance for violating family obligations.

It is also the responsibility of the tenant to respond to the annual HQS inspection notification. Failure to respond to the annual HQS inspection notification will result in a termination of assistance for violating family obligations.

14.2 INTERIM REEXAMINATIONS

An interim reexamination is a reexamination that occurs between annual reexaminations.

During an interim reexamination, only the information affected by the changes being reported will be reviewed and verified.

The THS' Interim Reexamination policy is as follows and will apply to all families participating in the THS' Section 8 Housing Choice Voucher Program, unless specified otherwise:

Families will not have an Interim Reexamination for increases in annual income processed unless any of the following three situations apply:

- A. The family has a change in family composition. All changes in household composition must be reported in writing within 10 calendar days of their occurrence. An Interim Reexamination will be processed if the effective date of the change is six (6) months or more from the family's annual reexamination date.
- B. The family's rent is currently being based on zero family income, non-wage income and/or unearned income and there is an increase in this type of income. All changes in the family's household income, other than cost of living increases, must be reported within 10 (ten) calendar days of their occurrence. An Interim Reexamination will be processed if:
 - 1. the amount of the increase results in a \$200 or more change; and
 - 2. the effective date of this change is 6 months or more from the family's annual reexamination date.
- C. This section will apply to families participating in the FSS Program:
The family is a Family Self-Sufficiency Program Participant and the family requests an Interim Reexamination be processed, (this will increase the amount of escrow the family will earn each month). If this applies, a change will be processed if:
 - 1. the amount of the increase results in an increase in Total Tenant Payment; and
 - 2. the effective date of this change is 6 months or more from the family's annual reexamination date.

If any of the above three applies, an Interim Reexamination will be processed. The interim change will be effective on the first day of the month following 60 days from the effective date of the change. Example: a wage increase for an FSS family that is effective January 16th will result in a rent change effective April 1st.

Note: If the above three situations do not apply to the participant, then increases in the family's income and assets that occur after the last annual reexamination will be included in the family's next scheduled annual reexamination. Example: if the participant's tenant rent is currently based on wages and the participant receives an increase in their wages, an Interim Reexamination will not be processed, regardless of the amount of the increase.

- D. Decreases in income and allowances will continue to be processed. They must be reported within 10 (ten) calendar days of their occurrence. Decreases will be effective the first day of the month immediately following the month in which the change occurs. Example: a decrease in wages occurring on January 2nd and reported within 10 (ten) calendar days will result in the rent decrease becoming effective February 1st.

Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances. Upon such request, the THS will take timely action to process the interim reexamination and recalculate the family share.

- E. Changes reported after the 20th of the month will result in the rent decrease becoming effective the first day of the second month immediately following the month in which the change occurs. Example: a change reported on January 25th will result in a rent decrease effective March 1st.
- F. Family break-up

In circumstances of a family break-up, the THS will make a determination of which family member will retain the Housing Choice Voucher, taking into consideration the following factors:

1. To whom the Voucher was issued.
2. The interest of minor children or of ill, elderly, or disabled family members.
3. Whether the assistance should remain with the family members remaining in the unit.
4. Whether family members were forced to leave the unit as a result of actual or threatened physical violence by a spouse or other member(s) of the household.

If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement of judicial decree, the THS will be bound by the court's determination of which family members continue to receive assistance in the program.

Because of the number of possible different circumstances in which a determination will have to be made, the THS will make determinations on a case by case basis. The THS will issue a determination within 10 business days of the request for a determination. The family member requesting the determination may request an informal hearing in compliance with the informal hearings in Section 16.3 of this Administrative Plan.

G. Adding a household member

In order to add a household member other than through birth or adoption (including a live-in aide), the family must request that the new member be added to the lease. Before adding the new member to the lease (excluding a live-in aide), the individual, if 18 years of age or over, must complete the applicable paperwork declaring their income, assets, and all other information required of an applicant. The individual must provide their Social Security Number if they have one, and must verify their citizenship/eligible immigrant status (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family).

The new family member, including a live-in aide, will go through the screening process similar to the process for applicants. The THS will determine the eligibility of the individual before allowing them to be added to the lease. If the individual is found to be ineligible or does not pass the screening criteria, the family will be advised in writing and given the opportunity for an informal review.

If they are found to be eligible and do pass the screening criteria, the THS will grant approval to add their name to the lease. At the same time, the family's annual income will be recalculated taking into account the income and circumstances of the new family member. The effective date of the new rent will be in accordance with paragraph below 14.2.2.

14.2.1 Special Reexaminations

If a family's income is too unstable to project for 12 months or there is a temporary decrease in income, the THS may schedule special reexaminations every 90 days until the income stabilizes and an annual income can be determined.

For families temporarily without income, a Zero Income Certification form must be completed by the family and submitted to the THS by the 5th calendar day of the each month following the month the family is claiming zero income. Example: if a family claims zero income for the month of February, a Zero Income Certification must be submitted to the THS by March 5th.

14.2.2 Effective Date of Rent Changes Due to Interim or Special Reexaminations

Unless there is a delay in reexamination processing caused by the family, any rent increase will be effective the first day of the month following 60 days from the effective date of the change. If the family causes a delay, then the rent increase will be effective on the date it would have been effective had the process not been delayed (even if this means a retroactive increase).

If the new rent is a reduction and any delay is beyond the control of the family, the reduction will be effective the first of the month after the interim reexamination should have been completed.

If the new rent is a reduction and the family caused the delay or did not report the change in a timely manner, the change will be effective the first of the month after the rent amount is determined.

15.0 TERMINATION OF ASSISTANCE TO THE FAMILY BY THE THS

The THS may at any time terminate program assistance for a participant because of any of the following actions or inactions by the household:

- A. If the family violates any family obligations under the program.
- B. If a family member fails to sign and submit consent forms, and other required THS forms.
- C. If a family fails to establish citizenship or eligible immigrant status and is not eligible for or does not elect continuation of assistance, pro-ration of assistance, or temporary deferral of assistance. If the THS determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible non-citizens listed on the lease) to permanently reside in their Section 8 unit, the family's assistance will be terminated. Such family will not be eligible to be readmitted to Section 8 for a period of five (5) years from the date of termination.
- D. If any member of the family has ever been evicted from federally assisted housing in the last five years.

- E. If a Housing Authority has ever terminated assistance for any member of the family.
- F. If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.
- G. If the family currently owes rent or other amounts to the Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.
- H. If the family has not reimbursed any Housing Authority for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- I. If the family breaches an agreement with the THS to pay amounts owed to a Housing Authority or amounts paid to an owner by a Housing Authority. (The THS, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a Housing Authority or amounts paid to an owner by a Housing Authority. The THS may prescribe the terms of the agreement.)
- J. If the family has engaged in or threatened abusive or violent behavior toward THS personnel.
- K. If any household member is subject to a lifetime registration requirement under a State sex offender registration program.
- L. If any member of the family commits drug-related or violent criminal activity.
- M. If a household member's illegal use (or pattern of illegal use) of a controlled substance, or whose abuse (or pattern of abuse) of alcohol, is determined by the THS to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

16.0 COMPLAINTS, INFORMAL REVIEWS FOR APPLICANTS, INFORMAL HEARINGS FOR PARTICIPANTS, TENANT CONFERENCE

16.1 COMPLAINTS

The THS will investigate and respond to complaints from participant families, owners, and the general public. The THS may require that complaints other than HQS violations be put in writing. Anonymous complaints are investigated whenever possible.

16.2 INFORMAL REVIEW FOR THE APPLICANT

A. When an Informal Review Is Required to be Offered:

The THS will give an applicant for participation in the Section 8 Housing Choice Voucher Program the opportunity for an Informal Review if the applicant wishes to have any of the following THS decisions/determinations reviewed for compliance with the law, HUD regulations and THS rules or policies:

1. Denial of placement on the waiting list.
2. Denial of issuance of a Housing Choice Voucher.
3. Denial of participation in the program.

B. When an Informal Review is not Required to be Offered:

The THS is not required to provide the applicant an opportunity for an Informal Review for any of the following:

1. Discretionary administrative determinations by the THS.
2. General policy issues or class grievances.
3. A determination of the family unit size under the THS subsidy standards.
4. A THS determination not to approve an extension or suspension of a Housing Choice Voucher term.
5. A THS determination not to grant approval to lease a unit under the program or to approve a proposed lease.
6. A THS determination that a unit selected by the applicant is not in compliance with Housing Quality Standards (HQS).
7. A THS determination that the unit is not in accordance with HQS because of the family size or composition.

C. Review Notice

The THS shall give an applicant prompt written notice of a decision and/or determination requiring the opportunity for an Informal Review. The notice shall:

1. Include a brief statement of the reason for the decision.
2. Advise the applicant of his/her right to request an Informal Review if the applicant does not agree with the decision.

3. Specify the request for an Informal Review must be made, in writing or verbally, within ten working days from the date of the notice.

If the request for an Informal Review does not meet the criteria for an Informal Review, the applicant will be promptly notified in writing.

If the request does not meet the criteria to be eligible for an Informal Review, the Review will be scheduled within ten (10) calendar days of the date of the request.

D. Procedures:

The Informal Review will be conducted in accordance with the following rules:

1. The review will be conducted by a member of the City Attorney's Office or any such person as the THS may designate, other than the person who made or approved the decision under review or a subordinate of such person.
2. The person conducting the review will regulate the conduct of the review.
3. The applicant may be represented, at his/her own expense, by a lawyer or other representative.
4. The applicant shall be given an opportunity to present written or oral objections to the THS' decision.
5. The THS and the applicant will be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.
6. The person conducting the review must provide the applicant, within fourteen (14) calendar days of the review, the notice of decision. The notice of decision must briefly state the reason(s) for the decision. Factual determinations shall be based on evidence at the review.

E. Considering Circumstances

In deciding whether to terminate assistance because of action or inaction by members of the family, the THS may consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

The THS may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in or were culpable for the action or failure will not reside in the unit. The THS may permit the other members of a participant family to continue receiving assistance.

If the THS seeks to terminate assistance because of illegal use, or possession for personal use, of a controlled substance, or pattern of abuse of alcohol, such use or possession or pattern of abuse must have occurred within one year before the date that the THS provides notice to the family of the THS determination to deny or terminate assistance. In determining whether to terminate assistance for these reasons the THS will consider evidence of whether the household member:

1. Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol;
2. Has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol; or
3. Is participating in a supervised drug or alcohol rehabilitation program and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol.

E. Informal Review Procedures for Denial of Assistance on the Basis of Ineligible Immigration Status

The applicant family may request that the THS provide for an Informal Review after the family has notification of the INS decision on appeal, or in lieu of request of appeal to the INS. The applicant family must make this request within 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or within 30 days of receipt of the INS appeal decision.

For applicant families, the Informal Review Process above will be utilized with the exception that the applicant family will have up to 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or of the INS appeal decision to request the review.

16.3 INFORMAL HEARINGS FOR PARTICIPANTS

A. When a Hearing is Required to be Offered:

The THS must give a participant the opportunity for an Informal Hearing if the participant wishes to have any of the following housing authority decisions/determinations reviewed for compliance with the law, HUD regulations, and housing authority rules or policies:

1. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
2. The calculation of total tenant payment.
3. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the THS utility allowance schedule.
4. A determination of the family unit size under the THS subsidy standards.
5. A determination to terminate assistance for a participant family because of the family's action or failure to act (see §982.552).
6. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under the THS policy and HUD rules.
7. Determination of tenant repayment charges for rent overpayments or unpaid rent, damage or vacancy loss claims.

In cases described in paragraphs 1, 4, 5 and 6 above, the THS must give the opportunity for an informal hearing before the THS terminates housing assistance payments for the family under an outstanding HAP contract.

B. When a Hearing is not Required

The THS is not required to provide a participant an opportunity for an Informal Hearing for any of the following:

1. Discretionary administrative determinations by the THS.
2. General policy issues or class grievances.
3. Establishment of the THS schedule of utility allowances for families in the program.
4. A THS determination not to approve an extension or suspension of a voucher term.
5. A THS determination not to approve a unit or lease.
6. A THS determination that an assisted unit is not in compliance with HQS. Note: the THS must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in CFR §982.551.
7. A THS determination that the unit is not in accordance with HQS because of the family size.
8. A determination by the THS to exercise or not exercise any right or remedy against the owner under a HAP contract.

C. Hearing Notice

The THS will provide the participant family with prompt written notice of a decision and/or determinations requiring an opportunity for an Informal Hearing. The notice shall:

1. Include a brief statement of the reason for the decision.
2. Advise the participant family of his/her right to request an Informal Hearing if the participant does not agree with the decision.
3. Specify that the request for a hearing must be made, in writing or verbally, within ten (10) calendar days from the date of the notice.

D. Discovery

The participant family must be given the opportunity to examine, before the hearing, any documents that are directly relevant to the hearing. The participant must be allowed to copy any such documentation at the participant's expense. If the THS does not make the documentation available for examination on the request of the participant, the THS may not rely on the document at the hearing.

The THS must be given the opportunity to examine before the hearing and at the THS offices, any participant family documents that are directly relevant to the hearing. The THS must be allowed to copy any documents, at the THS' expense. If the tenant does not make the documents available for examination on request of the THS, the tenant may not rely on the document at the hearing.

E. Hearing Procedures

Informal hearings will be conducted in accordance with the following rules:

1. The hearing will be conducted by a member of the City Attorney's office.
2. The person(s) conducting the hearing will regulate the conduct of the hearing.
3. The participant family may be represented, at his/her own expense, by a lawyer or other representative.
4. The THS and the participant must be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.
5. The person conducting the hearing must provide the participant, within fourteen (14) calendar days of the hearing, the notice of decision. The notice of decision must briefly state the reason(s) for the decision. Factual determinations shall be based on evidence provided at the hearing.

F. Evidence

The THS and the family must have the opportunity to present evidence and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

G. Effect of the Decision

The THS is not bound by a hearing decision:

1. Concerning a matter for which the THS is not required to provide an opportunity for an informal hearing under this Section, or that otherwise exceeds the authority of the person conducting the hearing under the THS hearing procedures.
2. Contrary to HUD regulations or requirements, or otherwise contrary to Federal, State, or local law.

If the THS determines that it is not bound by a hearing decision, the THS will notify the family within 14 calendar days of the determination, and of the reasons for the determination.

H. Considering Circumstances

In deciding whether to terminate assistance because of action or inaction by members of the family, the THS may consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

The THS may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in or were culpable for the action or failure will not reside in the unit. The THS may permit the other members of a participant family to continue receiving assistance.

If the THS seeks to terminate assistance because of illegal use, or possession for personal use, of a controlled substance, or pattern of abuse of alcohol, such use or possession or pattern of abuse must have occurred within one year before the date that the THS provides notice to the family of the THS determination to deny or terminate assistance. In determining whether to terminate assistance for these reasons the THS will consider evidence of whether the household member:

1. Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol;

2. Has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol; or
 3. Is participating in a supervised drug or alcohol rehabilitation program and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol.
- I. Informal Hearing Procedures for Denial of Assistance on the Basis of Ineligible Immigration Status

The participant family may request that the THS provide for an Informal Hearing after the family has notification of the INS decision on appeal, or in lieu of request of appeal to the INS. This request must be made by the participant family within 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or within 30 days of receipt of the INS appeal decision.

For the participant families, the Informal Hearing Process above will be utilized with the exception that the participant family will have up to 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or of the INS appeal decision.

16.4 TENANT CONFERENCE

A Tenant Conference is a meeting between the participant, prior to the THS making a determination on an action to take against the participant (example: prior to determining a rent overpayment has occurred or a termination of assistance).

The purpose of a Tenant Conference is to review with the participant all information the THS has received and the events leading up to the situation. The participant will be questioned on their knowledge of program requirements and THS policies to determine if the action or inaction by the participant was intentional or due to other circumstances.

The THS will allow the participant five (5) working days from the Tenant Conference to provide additional information to dispute or clarify the information. Once the additional information is received by the THS, it will be verified by third-party verification procedures.

The case will be reviewed again once the additional information is verified. If the participant determines there is no other information to provide, the THS will review the case and make a determination on what action to take, if any, against the participant.

If action is taken that requires an Informal Hearing, the opportunity for an Informal Hearing will be offered.

17.0 TERMINATION OF THE LEASE AND CONTRACT

The term of the lease and the term of the HAP contract are the same. They begin on the same date and they end on the same date. The lease may be terminated by the owner, by the tenant, or by the mutual agreement of both, after the initial term of the lease (See Section 7.0 of this Plan). The owner may only terminate the contract by terminating the lease. The HAP contract may be terminated by the THS. Under some circumstances the contract automatically terminates.

A. Termination of the Lease

1. By the family

The family may terminate the lease without cause upon proper notice to the owner and to the THS after the initial lease term. The length of the notice that is required is stated in the lease (generally 30 days).

2. By the owner

a. The owner may terminate the lease during its term on the following grounds:

- i. Serious or repeated violations of the terms or conditions of the lease;
- ii. Violation of Federal, State, or local law that imposes obligations on the tenant in connection with the occupancy or use of the unit and its premises;
- iii. Criminal activity by the household, a guest, or another person under the control of the household that threatens the health, safety, or right to peaceful enjoyment of the premises by other persons residing in the immediate vicinity of the premises;
- iv. Any drug-related or violent criminal activity on or near the premises;
- v. Other good cause. Other good cause may include, but is not limited to:
 - (1) Failure by the family to accept the offer of a new lease;
 - (2) Family history of disturbances of neighbors or destruction of property, or living or housekeeping habits resulting in damage to the property or unit;
 - (3) The owner's desire to utilize the unit for personal or family use or for a purpose other than use as a residential rental unit;
 - (4) A business or economic reason such as sale of the property, renovation of the unit, desire to rent at a higher rental amount.

b. During the first year the owner may not terminate tenancy for other good cause unless the reason is because of something the household did or failed to do.

- c. The owner may only evict the tenant by instituting court action after or simultaneously providing written notice to the participant specifying the grounds for termination. The owner must give the THS a copy of any owner eviction notice to the tenant at the same time that the owner gives the notice to the tenant.
- d. The owner may terminate the contract at the end of the initial lease term or any extension of the lease term without cause by providing notice to the family that the lease term will not be renewed.

- 3. By mutual agreement
The family and the owner may at any time mutually agree to terminate the lease in writing only after the initial 12 months of the term of the lease.

B. Termination of the Contract

- 1. Automatic termination of the contract:
 - a. If the THS terminates assistance to the family, the contract terminates automatically.
 - b. If the family moves out of the unit, the contract terminates automatically.
 - c. 180 calendar days after the last housing assistance payment to the owner.

- 2. Termination of the contract by the owner:

The owner may only terminate tenancy in accordance with lease and State and local law.

- 3. Termination of the HAP contract by the THS:

The THS may terminate the HAP contract because:

- a. The THS has terminated assistance to the family.
- b. The unit does not meet HQS space standards because of an increase in family size or change in family composition.
- c. When the family breaks up and the THS determines that the family members who move from the unit will continue to receive the assistance.
- d. The THS determines that there is insufficient funding in their contract with HUD to support continued assistance for families in the program.
- e. The owner has breached the contract in any of the following ways:

- i. If the owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligation to maintain the unit in accordance with the HQS.
 - ii. If the owner has violated any obligation under any other housing assistance payments contract under Section 8 of the 1937 Act.
 - iii. If the owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program.
 - iv. For projects with mortgages insured by HUD or loans made by HUD, if the owner has failed to comply with the regulations for the applicable mortgage insurance or loan program, with the mortgage or mortgage note, or with the regulatory agreement.
 - v. If the owner has engaged in drug-related criminal activity or any violent criminal activity.
 - g. If a welfare-to-work family fails to fulfill its obligations under the welfare-to-work voucher program.
4. Final HAP payment to owner
- The HAP payment stops when the lease terminates. The owner may keep the payment for the month in which the family moves out. If the owner has begun eviction proceedings and the family continues to occupy the unit, the THS will continue to make payments until the owner obtains a judgment or the family moves out.

18.0 CHARGES AGAINST THE SECTION 8 ADMINISTRATIVE FEE RESERVE

The THS must use funds in the administrative fee reserve to pay program administrative expenses in excess of administrative fees paid by HUD for the THS' fiscal year. If funds in the administrative fee reserve are not needed to cover THS administrative expenses (to the end of the last expiring funding increment under the consolidated ACC), the THS may use these funds for other housing purposes permitted by State and local law. However, HUD may prohibit use of the funds for certain purposes.

The THS may not expend any Section 8 operating reserve funds for housing purposes other than Section 8 Program administrative expenses without prior approval of the City of Tempe City Council.

19.0 INTELLECTUAL PROPERTY RIGHTS

No program receipts may be used to indemnify contractors or subcontractors of the THS against costs associated with any judgement of infringement of intellectual property rights.

20.0 THS OWNED HOUSING

Units owned by the THS and not receiving subsidy under any other program are eligible housing units for Housing Choice Voucher holders. In order to comply with Federal regulation, the THS will do the following:

- A. The THS will make available through the briefing process both orally and in writing the availability of THS owned units (notification will also include other properties owned/managed by the private sector available to Housing Choice Voucher holders).
- B. The THS will obtain the services of an independent entity to perform the following THS functions:
 - 1. Determine rent reasonableness for the unit. The independent entity will communicate the rent reasonableness determination to the family and the THS.
 - 2. To assist the family in negotiating the rent.
 - 3. To inspect the unit for compliance with HQS.
- C. The THS will gain HUD approval for the independent agency/agencies utilized to perform the above functions.
- D. The THS will compensate the independent agency/agencies from our ongoing administrative fee income.
- E. The THS, or the independent agency/agencies, will not charge the family any fee or charge for the services provided by the independent agency.

21.0 QUALITY CONTROL OF SECTION 8 PROGRAM

In order to maintain the appropriate quality standards for the Section 8 program, the THS will annually review files and records to determine if the work documented in the files or records conforms to program requirements.

This shall be accomplished by the Housing Services Director, the Housing Services Supervisor or the Grants Accountant, or any other qualified person, as assigned by management staff of the THS or the City, (other than the one originally responsible for the work or someone subordinate to that person). The number of files and/or records

checked shall be at least equal to the number specified in the Section 8 Management Assessment Program for the size of the housing authority.

22.0 TRANSITION TO THE NEW HOUSING CHOICE VOUCHER PROGRAM

A. New HAP Contracts

On and after October 1, 1999, the THS only entered into HAP contracts for tenancies under the Housing Choice Voucher Program, and ceased entering into new HAP contracts for tenancies under the Certificate Program.

B. Over-FMR Tenancy

If the THS had entered into any HAP contracts for an over-FMR tenancy under the Certificate Program prior to the merger date of October 1, 1999, on and after October 1, 1999, such tenancy was considered and treated as a tenancy under the voucher program and was subject to the voucher program requirements under 24 CFR 982.502, including calculation of the voucher housing assistance payment in accordance with 24 CFR 982.505. However, 24 CFR 982.505(b)(2) was not applicable for calculation of the housing assistance payment prior to the effective date of the second regular reexamination of family income and composition on or after the merger date of October 1, 1999.

C. Voucher Tenancy

If the THS had entered into any HAP contract for a voucher tenancy prior to the merger date of October 1, 1999, on and after October 1, 1999, such tenancy continued to be considered and treated as a tenancy under the voucher program and was subject to the voucher program requirements under 24 CFR 982.502, including calculation of the voucher housing assistance payment in accordance with 24 CFR 982.505. However, 24 CFR 982.505(b) (2) was not applicable for calculation of the housing assistance payment prior to the effective date of the second regular reexamination of family income and composition on or after the merger date of October 1, 1999.

D. Regular Certificate Tenancy

The THS terminated program assistance under any outstanding HAP contract for regular tenancies under the Certificate program entered into prior to the merger date of October 1, 1999, at the effective date of the second regular reexamination of family income and composition on or after the merger date of October 1, 1999.

23.0 CONDUCTING BUSINESS IN ACCORDANCE WITH CORE VALUES AND ETHICAL STANDARDS

23.1 PURPOSE

This Code of Conduct establishes standards for employee conduct that will assure the highest level of public service. Recognizing that compliance with any ethical standards rests primarily on personal integrity and specifically in this situation with the integrity of the employees of the City of Tempe Housing Services, this Section sets forth those acts or omissions of acts that could be deemed injurious to the general mission of the THS.

This Code of Conduct is not intended, nor should it be construed, as an attempt to unreasonably intrude upon the individual employee's right to privacy and the right to participate freely in a democratic society and economy.

23.2 CONFLICT OF INTEREST

In accordance with 24 CFR 982.161, neither the City of Tempe Housing Services nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with the tenant-based programs in which any of the following classes of persons has any interest, direct or indirect, during his or her tenure with the City of Tempe Housing Services or for one year thereafter:

- A. Any present or former member or officer of the Housing Services (except a participant commissioner);
- B. Any employee of the Housing Services or any contractor, subcontractor or agent of the Housing Services who formulates policy or who influences decisions with respect to the programs;
- C. Any public official, member of a governing body, or State or local legislator who exercises functions or responsibilities with respect to the City of Tempe Housing Services' programs; or
- D. Any member of the Congress of the United States.

Any member of the classes described in A, B, C, or D, must disclose their interest or prospective interest to the Housing Services and HUD.

The Conflict of Interest prohibition under this section (24.2) may be waived by the HUD Field Office upon the request of the City of Tempe Housing Services for good cause.

23.3 *PROHIBITION OF SOLICITATION OR ACCEPTANCE OF GIFTS*

No THS employee shall solicit any gift or consideration of any kind, nor shall any THS employee accept or receive a gift having value in excess of \$25.00 regardless of the form of the gift, from any person who has an interest in any matter proposed or pending before the THS.

23.4 *HOUSING SERVICES ADMINISTRATIVE AND DISCIPLINARY REMEDIES FOR VIOLATION OF THE HOUSING SERVICES CODE OF CONDUCT*

Violations of this Code of Conduct Policy will result in disciplinary action as outlined in the City of Tempe's Personnel Policy.

24.0 RESIDENT ADVISORY BOARD

24.1 *POLICIES*

The Tempe Housing Services Division will comply with the requirements of HUD Regulation §903.13.

- A. The role of the Resident Advisory Board is to assist and make recommendations regarding the development of the PHA plan, and any significant amendment or modification to the plan. In addition to this HUD requirement, Tempe Housing Services will utilize the Resident Advisory Board to assist and make recommendations regarding the Section 8 Administrative Plan and the Family Self-Sufficiency Action Plan.
- B. Eligibility for Resident Advisory Board includes:
 - Resident must be a participant in the Section 8 Family Self-Sufficiency Program;
 - Resident must be directly assisted under the Section 8 Program in Tempe;
 - Resident must be a Section 8 tenant in good standing; i.e. meeting all family obligations under the Section 8 program;
 - Resident's name must be listed on the lease;
 - Resident must be at least 18 years of age;
 - Resident must be a current resident of the City of Tempe and must have been a resident of the City or an annexed area for at least two (2) years immediately preceding the appointment to the Board.
- C. The Resident Advisory Board shall consist of not less than three (3) and not more than five (5) Section 8 residents.

- D. The term of the appointment to the Resident Advisory Board will be for one (1) calendar year. The Resident is eligible for re-appointment if the Resident meets all eligibility requirements and expresses an interest in a re-appointment.
- E. Working with the Resident Advisory Board will be a Staff Support Team consisting of: Housing Services Supervisor, Section 8 Housing Specialist and Family Self-Sufficiency Specialist.
- F. Resident Advisory Board members may be removed from the Board for the following reasons:
 - 1. is no longer a resident in the City of Tempe;
 - 2. is no longer receiving direct assistance from the Tempe Housing Authority
 - 3. is no longer a resident in good standing (violates any Section 8 family obligations);
 - 4. is convicted of a crime involving moral turpitude;
 - 5. death;
 - 6. resignation;
 - 7. fails to attend three (3) consecutive Resident Advisory Board
- G. Annually (in October or November), the Housing Services Division will send notification of the opportunity to serve on the Resident Advisory Board to all participants of the Family Self-Sufficiency Program. This notice will list the participation and eligibility requirements in addition to the reasons for removal from office.

Family Self-Sufficiency participants who wish to be considered for a position on the Resident Advisory Board for the new calendar year, must notify the Tempe Housing Services Division in writing within 15 days from the date of the notification letter.

- H. The staff support team for the Resident Advisory Board will review the eligibility of those who have notified the Housing Services Division of their interest in being considered for the Resident Advisory Board. The staff support team will make the recommendation for appointment to the Housing Services Director.
- I. Generally, all FSS participants who express an interest in serving on the Board are automatically appointed however, the THS must ensure that the Resident Advisory Board has reasonable representation of families receiving tenant-based assistance. If more FSS participants express interest than positions are available, reasonable representation will have first preference as a selection criteria.
- J. The Housing Services Director will make the official appointment of the Resident Advisory Board members for the calendar year based on recommendation of the Staff Support Team.

24.2 PROCEDURES FOR RESIDENT ADVISORY BOARD ACTION:

- A. When an item related to the administration, operation and management of the Section 8 tenant-based assistance program is being updated and/or reviewed (Annual Plan, Agency Plan, Administrative Plan, Family Self-Sufficiency Plan, Preferences, etc), the Resident Advisory Board will meet for the purpose of reviewing, commenting and approving the update. All Advisory Board members will be notified in a timely manner of scheduled meetings.
- B. Attendance will be taken at each meeting via a sign-in sheet. If a Board member fails to attend three (3) consecutive Board meetings without being excused, the Board member will be removed from the Board. The Housing Services Supervisor will maintain a record of participation by the Resident Advisory Board.
- C. The Housing Services Supervisor will maintain a record of comments and/or documentation submitted by the Advisory Board.

25.0 RESIDENT OF THE PUBLIC HOUSING AGENCY BOARD

25.1 POLICIES

- A. The Tempe Housing Services Division will comply with the requirements of HUD Regulation §964.400, Subpart E - Resident Board Members.
- B. As a member of the Public Housing Agency Board, a Section 8 Resident Board member may only take part in decisions related to the administration, operation and management of the Section 8 tenant-based assistance program when these items are brought before the City Council when it acts in the capacity of the Public Housing Agency Board. The Resident Board member will be allowed to join in any discussion and will be allowed to cast a vote on Section 8 items only at regularly scheduled Public Housing Agency Board meetings.

The Resident Board member does not serve with the City Council in any other capacity and will not be allowed to vote on or take part in Council discussions on any matters not related to the Section 8 tenant-based program. Resident Board members have the same rights directly in the same capacity and to the same extent as any other citizen before the Council.

- C. Eligibility for Resident on Public Housing Agency Board includes:
 - Resident must be a member of the Section 8 Resident Advisory Board;
 - Resident must be directly assisted under the Section 8 Program in Tempe;
 - Resident must be a Section 8 tenant in good standing; i.e. meeting all family obligations under the Section 8 program;
 - Resident's name must be listed on the lease;

- Resident must be at least 18 years of age;
 - Resident must be a current resident of the City of Tempe and must have been a resident of the City or an annexed area for at least two (2) years immediately preceding the appointment to the Board.
 - Resident must agree that personal information such as home address, phone number and income information, becomes public information (i.e. any information required to be released by a member of the City Council will apply to the Resident on the Public Housing Agency Board).
 - Resident must be elected for appointment by a vote of the Resident Advisory Board.
- D. The term of the appointment as Resident on the Public Housing Agency Board will be for one (1) calendar year. The Resident is eligible for an additional one year re-appointment if the Resident meets all eligibility requirements and is recommended for re-appointment by the Resident Advisory Board and is subject to appointment by the Mayor. The resident may not serve on the Public Housing Agency Board longer than two years.
- E. The Resident on the Public Housing Agency Board may be removed from the Board for the following reasons:
1. is no longer a resident in the City of Tempe;
 2. is no longer receiving direct assistance from the Tempe Housing Authority
 3. is no longer a resident in good standing (violates any Section 8 family obligations);
 4. is convicted of a crime involving moral turpitude;
 5. death;
 6. resignation;
 7. fails to attend three (3) consecutive Resident Advisory Board or Governing Board meetings without being excused. [City Charter calls for the removal of office of any Council member who misses 3 consecutive Council meetings without being excused. Because Section 8 items go before City Council approximately 1-2 times per year, there will not be three consecutive Council meetings during the term of the Resident Board member therefore we have added failing to attend Resident Advisory Board meetings, without being excused, in addition to Public Housing Agency Board meetings as cause for removal from the Board.]
- F. Annually (in November or December), the Housing Services Division will send notification of the opportunity to serve as Resident on the Governing Board to all members of the Resident Advisory Board.

This notice will list the participation and eligibility requirements in addition to the reasons for removal from office.

Resident Advisory Board members who wish to be considered for the position of Resident on the Public Housing Agency Board for the new calendar year, must notify the Tempe Housing Services Division in writing within 30 days from the date of the notification letter.

- G. The Resident Advisory Board will review the eligibility of those who have notified the Housing Services Division of their interest in being considered for the Resident on the Governing Board position. The Resident Advisory Board will vote to select the member to be recommended for appointment by the Mayor to the Public Housing Agency.

Note: If all members of the Resident Advisory Board express interest in being considered for the Resident on the Public Housing Agency Board position, a special selection committee of approximately five (5) Family Self-Sufficiency Program participants will be appointed by the Housing Services Director. This special selection committee will vote to select the member to be recommended for appointment to the Public Housing Agency Board.

- H. The Housing Services Director will forward to the Mayor the name of the Resident Advisory Board member who has been recommended, by a vote of the Resident Advisory Board, for appointment to the Public Housing Agency Board. The Mayor will make the official appointment of the Resident on the Public Housing Agency Board for a term of one (1) year.
- I. If no Resident Advisory Board member submits a written interest letter within the required 30 days, the Housing Authority will be determined to be in compliance with HUD requirements for an exception to the Resident on the Board rule; §964.425. No further action will be necessary for the calendar year.

25.2 PROCEDURES FOR PUBLIC HOUSING AGENCY BOARD PARTICIPATION:

- A. When an item related to the administration, operation and management of the Section 8 tenant-based assistance program is scheduled to go before the City Council, acting in their capacity as the Public Housing Agency Board, for discussion and/or approval, the Resident on the Public Housing Agency Board will be notified at the same time as Council members. The notification will include all supporting documents and material provided to elected City Council members.

- B. The meeting of the Public Housing Agency Board will follow a regularly scheduled City Council meeting. The City Council meeting will be adjourned then the Mayor will call to order the meeting of the Public Housing Agency Board. The Mayor will introduce the Resident on the Public Housing Agency Board as a voting member on Board. The Mayor will introduce the item before the Public Housing Agency Board

The same rules for discussion and/or action will apply to the Resident on the Public Housing Agency Board member as they apply to Council members.

When a vote is called on the item, the Resident will be allowed to register her/his vote in a manner prescribed by the Mayor; i.e. voice vote or hand vote. The City Clerk will officially register the Resident's participation and vote into the minutes of the Public Housing Agency Board.

The Mayor will adjourn the meeting of the Public Housing Agency Board when all items before it have been addressed. The duties as Resident of the Public Housing Agency Board will be completed at that time.

- C. The Housing Services Supervisor will maintain a record of participation by the Resident on the Public Housing Agency Board. This will be accomplished by obtaining a copy of the official Board minutes in which the Resident participated. The Board minutes will be placed in the appropriate file for compliance monitoring.

26.0 SUPPORT FOR OUR ARMED FORCES

A major and important component of our armed forces are the part-time military personnel that serve in various Reserve and National Guard units. In both the Reserves and National Guard, their personnel are activated to full-time status and asked to serve our country in a variety of ways and circumstances.

When families participating in the Section 8 Housing Choice Voucher Program have family members activated to service in the Reserve and/or National Guard, the THS will follow the following guidelines:

- A. If a family finds it necessary for another adult to temporarily move into a unit solely to serve as a temporary guardian for children residing in the unit, the income received by the temporary guardian will not be counted in determining family income. The presence of the temporary guardian will need to be approved by the landlord.

- B. Although typically a criminal background check is required before anyone can participate in the housing choice voucher program, this requirement will be waived for a temporary guardian, except in the case of sex offenders. Screening for sex offender registration will occur prior to temporary guardians being allowed to move into an assisted families unit.

A background screening for drug/criminal activity will occur after the person moves into the assisted unit. If the results of the screening dictate that the person is ineligible for the program, the family shall be given a reasonable time to find a replacement temporary guardian.

- C. Recognizing that activation in the Reserves or National Guard can be very disruptive to a family's income, the THS will expeditiously re-evaluate a resident's portion of the rent if requested to do so.
- D. A unit cannot be held by a family that is not residing in it as their primary residence for more than 180 consecutive days because of a specific federal regulation. If all members of a military family are temporarily absent from the unit because a member of the family has been called to active duty, the family can retain control of the unit by paying the required rent and returning to the unit within 30 days of the conclusion of the active duty service. If the service extends beyond 180 days, the THS will seek a waiver of the 180 day limit from HUD.

27.0 AMENDMENTS TO PLAN

Substantial deviations or significant amendments or modifications are defined as discretionary changes in the plans or policies of the THS that fundamentally change the mission, goals, objectives or plans of the agency and which require formal approval of the City Council of the City of Tempe.

Changes to this plan, not considered substantial deviations or significant amendments, based on changes in Federal, state or local rules, regulations or policies, may be adopted without formal approval of the City Council. All changes and/or amendments must however be reviewed by the Resident Advisory Board.

GLOSSARY

1937 Housing Act: The United States Housing Act of 1937 [42 U.S.C. 1437 et seq.]

Absorption: In portability, the point at which a receiving housing authority stops billing the initial housing authority for assistance on behalf of a portable family. [24 CFR 982.4]

Adjusted Annual Income: The amount of household income, after deductions for specified allowances, on which tenant rent is based.

Administrative fee: Fee paid by HUD to the housing authority for the administration of the program.

Administrative Plan: The plan that describes housing authority policies for the administration of the tenant-based programs.

Admission: The point when the family becomes a participant in the program. In a tenant-based program, the date used for this purpose is the effective date of the first HAP Contract for a family (first day of initial lease term).

Adult: A household member who is 18 years or older or who is the head of the household, or spouse, or co-head. An adult must have the legal capacity to enter a lease under State and local law.

Allowances: Amounts deducted from the household's annual income in determining adjusted annual income (the income amount used in the rent calculation). Allowances are given for elderly families, dependents, medical expenses for elderly families, disability expenses, and child care expenses for children under 13 years of age. Other allowances can be given at the discretion of the housing authority.

Amortization Payment: In a manufactured home space rental: The monthly debt service payment by the family to amortize the purchase price of the manufactured home. If furniture was included in the purchase price, the debt service must be reduced by 15% to exclude the cost of the furniture. The amortization cost is the initial financing, not refinancing. Set-up charges may be included in the monthly amortization payment.

Annual Contributions Contract (ACC): The written contract between HUD and a housing authority under which HUD agrees to provide funding for a program under the 1937 Act, and the housing authority agrees to comply with HUD requirements for the program.

Annual Income: All amounts, monetary or not, that:

- a. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member, or

- b. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- c. Are not specifically excluded from Annual Income.
- d. Annual Income also includes amounts derived (during the 12-month period) from assets to which any member of the family has access.

Applicant (applicant family): A family that has applied for admission to a program but is not yet a participant in the program.

Assets: See net family assets.

Asset Income: Income received from assets held by household members. If assets total more than \$5,000, income from the assets is "imputed" and the greater of actual asset income and imputed asset income is counted in annual income.

Assisted lease (lease): A written agreement between an owner and a family for the leasing of a dwelling unit to the family. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the housing authority.

Certificate: A document issued by a housing authority to a family selected for admission to the Certificate Program. The certificate describes the program and the procedures for housing authority approval of a unit selected by the family. The certificate also states the obligations of the family under the program. In October, 1998, Congress passed housing reform legislation that eliminated all differences between the Certificate and Voucher programs and merged these two programs into the Housing Choice Voucher Program. The Certificate Program was phased out by October, 2001.

Certification: The examination of a household's income, expenses, and family composition to determine the household's eligibility for program participation and to calculate the household's rent for the following 12 months.

Child: For purposes of citizenship regulations, a member of the family other than the family head or spouse who is under 18 years of age.

Child care expenses: Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

Citizen: A citizen or national of the United States.

Common space: In shared housing: Space available for use by the assisted family and other occupants of the unit.

Congregate housing: Housing for elderly or persons with disabilities that meets the HQS for congregate housing.

Consent form: Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs, return information from the Social Security Administration, and return information for unearned income from the Internal Revenue Service. The consent forms may authorize the collection of other information from assistance applicants or participants to determine eligibility or level of benefits.

Contiguous MSA: In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial housing authority is located.

Continuously assisted: An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the Voucher Program.

Cooperative: Housing owned by a non-profit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing.

Domicile: The legal residence of the household head or spouse as determined in accordance with State and local law.

Decent, safe, and sanitary: Housing is decent, safe, and sanitary if it satisfies the applicable housing quality standards.

Department: The United States Department of Housing and Urban Development.

Dependent: A member of the family (except foster children and foster adults) other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student.

Disability assistance expenses: Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

Disabled family: A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

Disabled person: See "person with disabilities."

Displaced family: A family in which each member, or whose sole member, is a person displaced by governmental action (such as urban renewal), or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

Displaced person: A person displaced by governmental action (such as urban renewal), or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

Drug-related criminal activity: Illegal use or personal use of a controlled substance, and the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use, of a controlled substance.

Drug trafficking: The illegal manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, of a controlled substance.

Elderly family: A family whose head, spouse, or sole member is a person who is at least 62 years of age; or two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides.

Elderly person: A person who is at least 62 years of age.

Evidence of citizenship or eligible status: The documents that must be submitted to evidence citizenship or eligible immigration status.

Exception rent: An amount that exceeds the published fair market rent.

Extremely low-income families: Family whose income is between 0 and 30 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. HUD has set the one-person 30% of median income limit at least as high as the State SSI benefit level.

Fair Housing Act: Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.).

Fair market rent (FMR): The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately-owned existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. FMRs are published periodically, generally annually, in the Federal Register.

Family includes but is not limited to:

- a. A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);
- b. An elderly family;
- c. A near-elderly family;
- d. A disabled family;
- e. A displaced family;
- f. The remaining member of a tenant family; and
- g. A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

Family members: include all household members except live-in aides, foster children and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the HUD-50058 form.

Family Rent to Owner: In the voucher program, the portion of rent to owner paid by the family.

Family self-sufficiency program (FSS program): The program established by a housing authority to promote self-sufficiency of assisted families, including the coordination of supportive services (42 U.S.C. 1437u).

Family share: The portion of rent and utilities paid by the family or the gross rent minus the amount of the housing assistance payment.

Family unit size: The appropriate number of bedrooms for a family as determined by the housing authority under the housing authority's subsidy standards.

50058 Form: The HUD form that housing authorities are required to complete for each assisted household in public housing to record information used in the certification and re-certification process, and, at the option of the housing authority, for interim reexaminations.

FMR/exception rent limit: The Section 8 existing housing fair market rent published by HUD headquarters, or any exception rent. For a tenancy in the Voucher Program, the housing authority may adopt a payment standard up to the FMR/exception rent limit.

Full-time student: A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

Gross rent: The sum of the rent to the owner plus any utilities.

Group Home: A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide).

Head of household: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

Household members: include all individuals who reside or will reside in the unit and who are listed on the lease, including live-in aides, foster children and foster adults.

Housing Assistance Payment (HAP): The monthly assistance by a housing authority, which includes (1) a payment to the owner for rent to the owner under the family's lease, and (2) an additional payment to the family if the total assistance payment exceeds the rent to owner.

Housing quality standards (HQS): The HUD minimum quality standards for housing assisted under the Section 8 program.

Housing Choice Voucher: A document issued by a housing authority to a family selected for admission to the Housing Choice Voucher Program. This document describes the program and the procedures for housing authority approval of a unit selected by the family. The Housing Choice Voucher also states the obligations of the family under the program.

Housing Choice Voucher holder: A family that has an unexpired housing choice voucher.

Imputed income: For households with net family assets of more than \$5,000, the amount calculated by multiplying net family assets by a HUD-specified percentage. If imputed income is more than actual income from assets, the imputed amount is used in determining annual income.

Income category: Designates a family's income range. There are three categories: low income, very low income and extremely low-income.

Incremental income: The increased portion of income between the total amount of welfare and earnings of a family member prior to enrollment in a training program and welfare and earnings of the family member after enrollment in the training program. All other amounts, increases and decreases, are treated in the usual manner in determining annual income.

Initial Housing Authority: In portability, both: (1) a housing authority that originally selected a family that later decides to move out of the jurisdiction of the selecting housing authority; and (2) a housing authority that absorbed a family that later decides to move out of the jurisdiction of the absorbing housing authority.

Initial payment standard: The payment standard at the beginning of the HAP contract term

Initial rent to owner: The rent to owner at the beginning of the initial lease term.

Interim (examination): A reexamination of a household's income, expenses, and household status conducted between the annual reexaminations when a change in a household's circumstances warrant such a reexamination.

Jurisdiction: The area in which the housing authority has authority under State and local law to administer the program.

Lease: A written agreement between an owner and tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP Contract between the owner and the housing authority.

Legal capacity: The participant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

Live-in aide: A person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

- a. Is determined by the THS to be essential to the care and well-being of the persons;
- b. Is not obligated for the support of the persons; and
- c. Would not be living in the unit except to provide the necessary supportive services.

Low-income families: Those families whose incomes do not exceed 80% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families. [1937Act]

Manufactured home: A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS.

Manufacture home space: In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space.

Medical expenses: Medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance.

Mixed family: A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

Moderate rehabilitation: Rehabilitation involving a minimum expenditure of \$1000 for a unit, including its prorated share of work to be accomplished on common areas or systems, to:

- a. upgrade to decent, safe and sanitary condition to comply with the Housing Quality Standards or other standards approved by HUD, from a condition below these standards (improvements being of a modest nature and other than routine maintenance); or
- b. repair or replace major building systems or components in danger of failure.

Monthly adjusted income: One twelfth of adjusted income.

Monthly income: One twelfth of annual income.

Mutual housing is included in the definition of "cooperative".

National: A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

Near-elderly family: A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons who are at least 50 years of age but below the age of 62 living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.

Net family assets:

- a. Net cash value after deducting reasonable costs that would be incurred in disposal of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.
- b. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.
- c. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

Noncitizen: A person who is neither a citizen nor national of the United States.

Notice Of Funding Availability (NOFA): For budget authority that HUD distributes by competitive process, the Federal Register document that invites applications for funding. This document explains how to apply for assistance and the criteria for awarding the funding.

Occupancy standards: The standards that the housing authority establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition

Owner: Any person or entity, including a cooperative, having the legal right to lease or sublease existing housing.

Participant (participant family): A family that has been admitted to the housing authority's program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the housing authority for the family (first day of initial lease).

Payment standard: In a voucher tenancy, the maximum monthly assistance payment for a family (before deducting the total tenant payment by family contribution). For a voucher tenancy, the housing authority sets a payment standard in the range from 90% to 110% of the current FMR.

Person with disabilities: A person who:

- a. Has a disability as defined in Section 223 of the Social Security Act,
"Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months, or
In the case of an individual who attained the age of 55 and is blind and unable by reason of such blindness to engage in substantial, gainful activity requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time."
- b. Is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment that:
 - (1) is expected to be of long-continued and indefinite duration,
 - (2) substantially impedes his or her ability to live independently, and
 - (3) is of such a nature that such ability could be improved by more suitable housing conditions, or
- c. Has a developmental disability as defined in Section 102(7) of the of the Developmental Disabilities Assistance and Bill of Rights Act.

"Severe chronic disability that:

- (1) is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (2) is manifested before the person attains age 22;
- (3) is likely to continue indefinitely;

- (4) results in substantial functional limitation in three or more of the following areas of major life activity: (1) self care, (2) receptive and responsive language, (3) learning, (4) mobility, (e) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and
- (5) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated."

This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

No individual shall be considered to be a person with disabilities for purposes of eligibility solely based on any drug or alcohol dependence.

Portability: Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial housing authority.

Premises: The building or complex in which the dwelling unit is located, including common areas and grounds.

Private space: In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

Preservation: This program encourages owners of eligible multifamily housing projects to preserve low-income housing affordability and availability while reducing the long-term cost of providing rental assistance. The program offers several approaches to restructuring the debt of properties developed with project-based Section 8 assistance whose HAP contracts are about to expire.

Proration of assistance: The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance.

Public Housing Agency: A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing.

Reasonable rent: A rent to owner that is not more than charged: (a) for comparable units in the private unassisted market; and (b) for a comparable unassisted unit in the premises.

Receiving Housing Authority: In portability, a housing authority that receives a family selected for participation in the tenant-based program of another housing authority. The receiving housing authority issues a voucher, and provides program assistance to the family.

Re-certification: A reexamination of a household's income, expenses, and family composition to determine the household's rent for the following 12 months.

Reexamination: Same as 'recertification' above.

Remaining member of a tenant family: A member of the family listed on the lease who continues to live in an assisted household after all other family members have left.

Rent to owner: The monthly rent payable to the owner under the lease. Rent to owner covers payment for any housing services, maintenance, and utilities that the owner is required to provide and pay for.

Set-up charges: In a manufactured home space rental, charges payable by the family for assembly, skirting and anchoring the manufactured home.

Shared housing: A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family.

Shelter allowance: That portion of a welfare benefit (e.g., TANF) that the welfare agency designates to be used for rent and utilities.

Single person: Someone living alone or intending to live alone who does not qualify as an elderly person, a person with disabilities, a displaced person, or the remaining member of a tenant family.

Single room occupancy housing (SRO): A unit for occupancy by a single eligible individual capable of independent living that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities.

Special admission: Admission of an applicant that is not on the housing authority waiting list, or admission without considering the applicant's waiting list position.

Special housing types: Special housing types include: SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

State Wage Information Collection Agency (SWICA): The State agency receiving quarterly wage reports from employers in the State, or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information.

Statement of family responsibility: An agreement in the form prescribed by HUD, between the housing authority and a family to be assisted under the Moderate Rehabilitation Program, stating the obligations and responsibilities of the family.

Subsidy standards: Standards established by a housing authority to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

Suspension: Stopping the clock on the term of a family's voucher, for such period as determined by the housing authority, from the time when the family submits a request for housing authority approval to lease a unit, until the time when the housing authority approves or denies the request. Also referred to as tolling.

Tenant: The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

Tenant Conference: A meeting with an applicant or participant prior to determining whether to take an action against the participant (example: for rent overpayments or terminations). The tenant conference provides a review of the information gathered by the THA and allows the family an opportunity to dispute the information or to provide additional information.

THS: Tempe Housing Services

Third-party (verification): Oral or written confirmation of a household's income, expenses, or household composition provided by a source outside the household, such as an employer, doctor, school official, etc.

Tolling: see suspension.

Total tenant payment (TTP):

- (1) Total tenant payment is the amount calculated under Section 3(a)(1) of the 1937 Act which is the higher of :
 - a. 30% of the family's monthly adjusted income;
 - b. 10% of the family's monthly income;
 - c. Minimum rent; or
 - d. if the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated.
- (2) If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under Section 3(a)(1) shall be the amount resulting from one application of the percentage.

Utility allowance: If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a housing authority or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility hook-up charge: In a manufactured home space rental, costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical and sewer lines.

Utility reimbursement: In the voucher program, the portion of the housing assistance payment that exceeds the amount of the rent to owner. It is only paid when the housing assistance payment exceeds the rent to owner. In the certificate program, if the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Verification:

- a. The process of obtaining statements from individuals who can attest to the accuracy of the amounts of income, expenses, or household member status (e.g., employers, public assistance agency staff, doctors).
- b. The three types of verification are:
 - (1) Third-party verification, either written or oral, obtained from employers, public assistance agencies, schools, etc.
 - (2) Documentation such as a copy of a birth certificate or bank statement
 - (3) Family certification or declaration (only used when third-party or documentation verification is not available)

Very low-income families: Low-income families whose incomes do not exceed 50% of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families. [1937 Act]

Violent criminal activity: Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Voucher (rental voucher): A document issued by a housing authority to a family selected for admission to the Housing Choice Voucher Program. This document describes the program and the procedures for housing authority approval of a unit selected by the family and states the obligations of the family under the program.

Voucher holder: A family holding a voucher with unexpired search time.

Waiting list admission: An admission from the housing authority waiting list. [24 CFR 982.4]

Welfare assistance. Welfare or other payments to families or individuals, based on need, that are made under programs funded by Federal, State or local governments. [24 CFR 5.603(d)]

Welfare rent: In "as-paid" welfare programs, the amount of the welfare benefit designated for shelter and utilities.

Welfare -to-Work (MTW) families: Families assisted with voucher funding awarded under the HUD welfare-to-work voucher program.

ACRONYMS

ACC	Annual Contributions Contract
CACC	Consolidated Annual Contributions Contract
CFR	Code of Federal Regulations
FMR	Fair Market Rent
FSS	Family Self Sufficiency (program)
HA	Housing Authority
HAP	Housing Assistance Payment
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
HUD	The United States Department of Housing and Urban Development
INS	(U.S.) Immigration and Naturalization Service
NAHA	(Cranston-Gonzalez) National Affordable Housing Act
NOFA	Notice of Funding Availability
OMB	(U.S.) Office of Management and Budget
PBC	Project-Based Certificate (program)
QHWRA	Quality Housing and Work Responsibility Act of 1998
PHA	Public Housing Agency
THS	Tempe Housing Services
TTP	Total Tenant Payment



The City of Tempe does not, in the provision of services, or in any manner,
discriminate on the basis of race, color, national origin, religion, sex
family status or disability